



## Planning Committee

**Thursday 26 November 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:

Kelcher (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Dixon  
Kennelly  
Maurice  
J Mitchell Murray

#### Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, Lo, Sangani and Shahzad

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](http://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 or trade union).

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

or

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

| ITEM  | WARD        | PAGE         |
|---|-------------|--------------|
| 1. Declarations of interests<br>Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate. |             |              |
| 2. Minutes of the previous meeting  |             | 1 - 10       |
| <b>APPLICATIONS FOR DECISION</b>  |             |              |
| 3. 20/0967 Wembley Park Station Car Park and Train Crew Centre, Brook Avenue, Wembley, HA   | Preston     | 15 - 80      |
| 4. 20/2473 6 and 6A Coombe Road, London, NW10 0EB   | Welsh Harp  | 81 - 118     |
| 5. 18/2006 97 Woodcock Hill, Harrow, HA3 0JJ  | Kenton      | 119 -<br>150 |
| 6. 18/4777 All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London  | Dollis Hill | 151 -<br>180 |
| 7. 20/0174 90 Anson Road, London, NW2 6AG   | Mapesbury   | 181 -<br>196 |
| 8. Any Other Urgent Business<br>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 9 December 2020**

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Held as an on-line virtual meeting on Wednesday 14 October 2020 at 6.00 pm

PRESENT: Councillors Kelcher (Chair), Johnson (Vice-Chair), S Butt, Chappell, Dixon, Mahmood, Maurice and J Mitchell Murray.

ALSO PRESENT: Councillor Fleur Donnelly-Jackson and Councillor Tom Miller.

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

13 The Avenue.

Councillor Johnson declared that he had worked with the consultant.

Approaches.

All members declared that they received approaches in relation to 96 High Road NW10.

#### 2. **Minutes of the previous meeting - 9 September 2020**

RESOLVED:-

that the minutes of the previous meeting held on 9<sup>th</sup> September 2020 be approved as an accurate record of the meeting subject to the following amendments in relation to approaches:

Councillor S Butt declared that he may have known the objector but in fact did not know him.

Councillor Mahmood declared that he was approached by the objector to Teignmouth Road application.

#### 3. **18/4008 Tenterden Pavilion & Sports Ground, 289 Preston Road and Car Park rear of 291-297 Preston Road, Harrow, HA3**

PROPOSAL: Demolition of existing pavilion building and reinstatement of green space; construction of a part 2 and part 3 storey sports and recreation centre with ground floor office and reception area; reconfiguration of the existing car park and associated soft landscaping, to provide sporting facilities for local school, community and football club (Forest United).

RECOMMENDATION:

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

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

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

Mr Toby Huntingford (Principal Planning Officer) introduced the report, set out the key issues and answered Members' questions. He referenced the supplementary report and clarified that condition 4 and the re-provision of speed humps would not be secured through a S106 agreement. He added that condition 4 would be secured through a S278 agreement and the re-provision of speed humps was a matter for parking services. Mr Huntingford also clarified half of the trees were proposed to be planted to the north of the car park and proposed pavilion whilst the other half were proposed to be planted in the area where the existing pavilion was currently situated. Mr Huntingford highlighted that the park is locally listed and the existing pavilion building is likely to be original to the park, and as such, Policy DMP7 is relevant. However, the building is dilapidated and no longer fit for purpose, and that he less than substantial harm to the heritage asset was outweighed by the benefits of the proposal.

Mrs Suzanne Murpogo (in remote attendance) spoke in support of the application on behalf of John Billam and Tenterden Parks and Neighbourhood Group and answered Members' questions. She discussed a number of matters and welcomed the application as it would address the current problems in the park including criminal activity and drug dealing which had been a major issue. She however requested the following;

- That the asbestos containing material (Artex) within the building is removed in an appropriate way.
- That Forest United have access to free parking or discounted seasons tickets.

In the discussion that followed, Members raised issues relating to ecological survey, lighting on the pitches, travel plan, community use, travel plan and improvement to the pitches.

In responding to the above, Mr Huntingford submitted the following;

- The applicant had submitted a satisfactory ecological survey report that concluded that the area was of low ecological significance.
- A condition requiring further details of full lighting details including spillage information had been recommended.
- A contribution of £6,000 had been secured from the applicant for tree replacement.
- Travel plan to promote sustainable transport and the installation of CCTV in the pavilion building were within the conditions recommended.
- The removal of asbestos was a matter for the applicant to liaise with Building Control and not within the remit of this Committee.
- The improvement of the pitches was unrelated to this application, although funding had been secured.
- That community access was proposed and was recommended to be secured through condition.
- That the building had been designed to accommodate Forest United but their tenure within the building could not be controlled through planning

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

DECISION: Granted planning permission as recommended subject to minor corrections set out within the supplementary report.  
(Voting on the decision to approve was unanimous).

#### **4. 20/0685 79-83 ODDS, Kenton Road, Harrow, HA3 0AH**

PROPOSAL:

Variation of condition 2 (approved plans) to allow:

1. Narrowing of vehicular access ramp
2. Installation of one-way traffic control system.

of Full Planning Permission reference 17/3717 dated 15 May 2018 (and subsequent minor material amendment ref: 19/4473) for demolition of existing dwellinghouse and erection of a part three part four storey building comprising 39 self-contained flats (27 X 1bed, 8 x 2bed and 4 x 3bed) with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping, subject to a Deed of Agreement dated 15 May 2018 under Section 106 of the Town and Country Planning Act 1990, as amended (and subsequent Deed of Variation dated 18th August 2020).

RECOMMENDATION:

GRANT planning permission subject to the prior completion of a satisfactory deed of variation to the existing Section 106 legal agreement to link the new consent (if granted) to the original agreement to secure the planning obligations set out within the Committee reports.

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

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

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

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

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

At the start, the Chair clarified for the avoidance of doubt that the application was solely for a variation of condition of the extant planning application reference 17/3717 dated 15 May 2018.

Mr Liam McFadden (Planning Officer) introduced the report, reiterating the Chair's clarification, set out the key issues and answered Members' questions.

Mr Ali Khan (in remote attendance) objected to the proposal for several reasons, including the grounds of traffic and congestion. He added that this would be particularly felt in respect of buses, access for emergency vehicles and generally turning circles for motor vehicles within the vicinity.

Ms Liz Alexander (applicant's agent in remote attendance) submitted the following in support and answered Members' questions:

- The one-way red and green traffic control system, operated by sensors, would provide a waiting space within the site which would be sufficient given the low levels of traffic.
- The design was considered as appropriate and acceptable and complied with planning and transport policy using proven technology that complied with British Standards

- The changes to the width of the ramp would not be visible from the streetscene and would have no impact on the design or appearance of the approved development.
- The proposed changes to the width of the vehicle access ramp and the associated traffic control system would have no greater impact on neighbouring amenity than the already approved scheme. The ramp already has planning permission and therefore issues such as the impact of headlights would be no different from the existing consent.
- Although mindful of neighbour concerns, the proposal would not worsen the traffic situation on Rushout Avenue, relative to the consented scheme, as supported by our highways evidence and the approval by the Council's Transport Team.

Members discussed a number of matters, including trip rates, local congestion, the reliability of the surveys, traffic safety and air quality. Having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by a majority decision to approve the application as recommended subject to a condition which required the traffic light system to default to green for ingress, and to only operate as green for egress when there is a vehicle waiting to leave the car park.

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

DECISION: Granted planning permission as recommended in the main report subject to the condition regarding the operation of the traffic light system (Voting on the decision to approve was as follows For: 6; Against 2)

**5. 18/4904 96 High Road, London, NW10 2PP**

**PROPOSAL:**

Part demolition of existing buildings and retention of the original police station building comprising flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm (amended scheme).

**RECOMMENDATION:**

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

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

Mr Sean Newton (Principal Planning Officer) introduced the report, set out the key issues including the retention of the police station building and viability issues and answered members' questions. He referenced the supplementary report that set out concerns expressed by a ward member and officers' responses to them.

Mr Martin Redston (in remote attendance) objected to the proposed development on behalf of the residents at 6 Huddleston Road highlighting a number of concerns including the following:

- Proximity of balconies at the rear and overlooking into their garden together with concern about noise and disruption during the construction process.
- To reduce anti-social behaviour and noise on balconies a condition be imposed for cut off time (11pm).
- The entrance to the Police Station car park that has always acted as a 'buffer strip' should not be built over but be used as an area for a garden and general greening.

Councillor Donnelly-Jackson (in remote attendance) raised several concerns about the proposed development including the following;

- Excessive scale, massing and height that would be out of character with the properties in the area.
- Lack of on-site affordable housing.
- Inappropriate design and scale resulting in loss of light, overshadowing and over-looking.
- Noise and pollution to the detriment of residential amenities.
- Materials would be out of character with the neighbouring properties.
- Lack of disabled access and inadequate access for emergency vehicles.
- Parking and servicing problems notwithstanding being a "car free development".

Councillor Miller (in remote attendance) whilst welcoming certain aspects of the proposal echoed similar concerns about the proposed development adding that the applicant had not offered mitigation measures to alleviate the concerns.

Mr Ben Thomas and Fred Akuffo (applicant's agent and architect respectively in remote attendance) addressed the Committee and answered Members' questions. They drew Members' attention to the following matters:

- The site has a number of planning constraints including its location within a Conservation Area, close proximity to a cluster of listed buildings including St Andrew's Church and the Islamic Centre that had influenced the design of the proposals.
- The architect has designed the proposal to complement and comply with all of those buildings and the Conservation Area and to optimise the development of the site whilst also protecting the amenity of the adjoining properties.
- The former police station building, a non-designated heritage asset on the site, would be restored to preserve and enhance the Conservation Area and a tree located on the high road would be retained.
- The architect had carefully considered the relationship with the properties on Huddlestone Road in terms of impacts, resulting in a reduction of two storeys to replicate the same height as the existing terrace without an adverse impact upon adjoining properties.
- With regard to affordable housing, a viability appraisal was submitted and independently assessed by industry experts appointed by the Council. They considered the scheme was capable of delivering a surplus of £143,453, which would not be enough to deliver affordable housing on site.
- There were additional costs to consider which include the restoration of police station building and a higher build cost given the quality of the building in addition to the provision of over £900,000 towards CIL payments payable to Brent Council.
- A late stage review mechanism to capture any potential uplift in profitability as the development progresses.

In the discussions that followed questioning of officers, members expressed concerns about the application including over-development, loss of privacy, impact on the living conditions of neighbouring occupiers, overshadowing, lack of affordable housing and family sized units and lack of impact on amenity space. Officers then submitted responses to Members concerns.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by a majority decision to refuse the application for reasons as set out below. In refusing the scheme, members considered that the benefits of the proposed development did not outweigh the harm.

DECISION: Refused planning permission for reasons including the following; over-development, impact on character of area, loss of privacy, impact on the living conditions of neighbouring occupiers, inadequate number of family sized units and inadequate provision of external amenity space.

(Voting on the substantive recommendation for approval was as follows):

Against: Councillors Kelcher, Chappell, Johnson, Mahmood,

|   |     |
|---|-----|
| Maurice and Murray  | (6) |
| For:  | (0) |
| Abstentions: Councillors S Butt and Dixon                                   | (2) |
| (Voting on the decision to refuse was as follows):                          |     |
| For: Councillors Kelcher, Chappell, Johnson, Mahmood,<br>Maurice and Murray | (6) |
| Against:  | (0) |
| Abstentions: Councillors S Butt and Dixon                                   | (2) |

**6. 20/1464 13 The Avenue, London, NW6 7NR**

**PROPOSAL:**

Variation of condition 2, development built in accordance with approved plans to allow:

- (1) Amendments to the front façade to enable its alignment with the consented balconies;
- (2) Minor alterations to the internal layout of the building as a result of the proposed façade amendments;
- (3) Other minor associated changes;

of Full Planning Permission reference 19/3056 dated 20 March, 2020, for Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.

**RECOMMENDATION:**

Grant planning permission subject to conditions.

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

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

Mr Damian Manhertz (Development Management Area Team Leader) introduced the report, set out the key issues and answered Members' questions.

Ms Laura Jenkinson and Jonathan Cross (in remote attendance) addressed the Committee and clarified that since last approval, the subtle review of the scheme had been carried out to improve the quality of some of the homes.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted unanimously to approve the application.

DECISION: Granted planning permission as recommended.  
(Voting on the decision to approve was unanimous)

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

None.

The meeting closed at 9.55 pm

COUNCILLOR M. KELCHER  
Chair

Notes:

The meeting was adjourned at 8.50pm for 5 minutes.

The Committee voted to disapply the guillotine procedure to enable all applications to be considered on the night.

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## APPLICATIONS FOR DECISION

### Introduction

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

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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**

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- 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,
- except unless the need for specific infrastructure contributions is identified in the S106 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. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major

new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:  
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>  
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. 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 section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

#### **Further information**

19. 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**

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

#### **Recommendation**

21. 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

26 November, 2020  
03  
20/0967

## SITE INFORMATION

|   |  |
|---|--|
| RECEIVED  | 20 March, 2020   |
| WARD  | Preston  |
| PLANNING AREA   |  |
| LOCATION  | <b>Wembley Park Station Car Park and Train Crew Centre, Brook Avenue, Wembley, HA</b>  |
| PROPOSAL  | Comprehensive mixed-use redevelopment of the site comprising the phased demolition of the existing buildings and structures on site and the phased development comprising site preparation works, provision of five new buildings containing residential uses, replacement train crew accommodation and flexible retail floorspace, basement, private and communal amenity space, associated car parking (including the part re-provision of station car parking), cycle parking, refuse storage, plant and other associated works.  |
| PLAN NO'S   | Refer to condition 2.  |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case<br/> <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_149445">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_149445</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "20/0967" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol> |

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

Referral to the Mayor of London (stage II referral)

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

1. Payment of legal, planning negotiation and planning monitoring costs associated with preparing and monitoring the Section 106 agreement
2. Notification of commencement 28 days prior to material start
3. Provision of 152 affordable housing units comprised of:
  - 73 units for affordable rent (at London Affordable Rent levels, in accordance with the Mayor of London's Affordable Housing Programme 2016-2021 Funding Guidance (dated November 2016) or the necessary guidance as it is updated and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights on first lets and 75% nomination rights on subsequent lets for the Council).
  - 79 units for Shared Ownership, (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider, and subject to an appropriate Shared Ownership nominations agreement with the Council, that secures reasonable local priority to the units).
4. In the event that the development does not commence within 24 months, an appropriate early stage review mechanism to secure additional on-site affordable housing, or an on-site provision of affordable housing that complies more closely with Brent's policy target affordable housing tenure split, as demonstrated achievable through financial viability assessments.
5. An appropriate late stage review mechanism against the agreed base appraisal, assessing actual residential sales values, and securing any additional deferred affordable housing obligations as per an agreed formula.
6. Submission and approval and implementation of Training and Employment plan targeting Brent residents.
7. The Train Crew Accommodation development to be carried out in accordance with the BREEAM pre-assessment to achieve a BREEAM rating of 'Excellent', and for this to be confirmed through the submission of a BREEAM post-assessment.
8. Parking permit restriction to be applied to all new residential units
9. Enhanced travel plan to be submitted and approved prior to occupation, implemented and monitored including:
  - a. Residential and workplace Travel Plans
  - b. Details of a Travel Plan Co-ordinator
  - c. An acceptable suite of measures to promote non-car based travel including a budget associated with these measures
  - d. Details of car club operators' requirements in determining the level of demand for car club usage and a commitment to providing these requirements
10. A funding of subsidised membership of the Car Club for three years for all new residents.
11. Financial contribution towards the implementation of a local Controlled Parking Zone

(£100,000)

12. Financial contribution towards improving local bus capacity, paid to TfL (£260,000)
13. Carbon offset contribution to be paid (£338,654) – or an opportunity to resubmit an improved energy statement and reduce the offset payment.
14. Financial contribution (£31,000) towards the improvement of open space including access to and between open spaces. This is envisaged to fund:
  - e. Improvement to signage and way marking between: Chalkhill Park / Chalkhill Linear Park, St David's Close Open Space and Chalkhill Open Space & associated maintenance for 10 years.
  - f. Improvement to paths and access between Chalkhill Open Space towards Quinton Street Open Space & associated maintenance for 10 years.
15. A payment to the Council prior to the commencement of development towards the provision of temporary on-street blue badge parking bays within the vicinity of the site or station during the construction period and the reversion of those spaces to their previous form (if considered necessary by the Council) following the completion of the development, with the reasonable costs to cover the processes associated with raising Transport Regulations Orders (TROs) as well as lining and signing of spaces.
16. Undertaking of mitigation works identified within the Television and Radio Reception Impact Assessment required in addressing any interference
17. Indexation of contributions in line with inflation
18. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

#### Conditions

##### *Compliance*

1. 3 years consent
2. Approved plans
3. Number of residential units
4. Quantum and use of commercial space
5. Accessible and adaptable dwellings and wheelchair user dwellings to be implemented
6. Cycle and refuse storage to be implemented
7. Car parking use restrictions
8. Water consumption limitation
9. Provision of communal aerial and satellite dish system for each building
10. Revoke C4 permitted development rights
11. Non-road mobile machinery power restriction
12. Development to be carried out in accordance with the mitigation measures set out in the detailed unexploded ordinance assessment
13. Substation to comply with noise, vibration and electro-magnetic radiation standards
14. Flood/drainage/SuDS details to be secured or further submissions made if necessary
15. Air Quality report recommendations to be secured or further submissions made if necessary
16. Biodiversity/Ecology mitigation and enhancement measures to be secured
17. Arboricultural recommendations to be secured
18. Fire statement strategy to be secured
19. Overheating analysis recommendations to be secured
20. Noise and vibration report to be secured

##### *Pre-commencement*

21. Phasing plan and car parking provision plan to be submitted

22. CIL chargeable developments plan to be submitted

*Post-commencement*

- 23. Revised construction logistics plan to be submitted
- 24. Revised construction environmental management plan to be submitted
- 25. Land contamination study (and remediation where necessary) to be submitted
- 26. Piling method statement to be submitted
- 27. Material samples to be submitted
- 28. Electric vehicle charging point plan to be submitted
- 29. Details of the ramp car park access to be submitted

*Pre-occupation*

- 30. Detailed landscaping plans to be submitted
- 31. Details of future district heating network connection to be submitted
- 32. Details of screening to balconies and windows to be adjusted where privacy would be compromised to be submitted
- 33. Revised delivery and servicing plan to be submitted
- 34. Car park management plan to be submitted
- 35. Refuse management plan to be submitted

*Post-occupation*

- 36. Plant noise to be restricted and sound testing submitted if necessary
- 37. Details of extraction of effluvia to be submitted where a restaurant use commences

Informatives

- 1. CIL liability
- 2. Party wall information
- 3. Building near boundary information
- 4. London Living Wage note
- 5. Fire safety advisory note
- 6. Tree species recommendations
- 7. Definitions of terms in respect of conditions
- 8. Any other informative(s) considered necessary by the Head of Planning

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

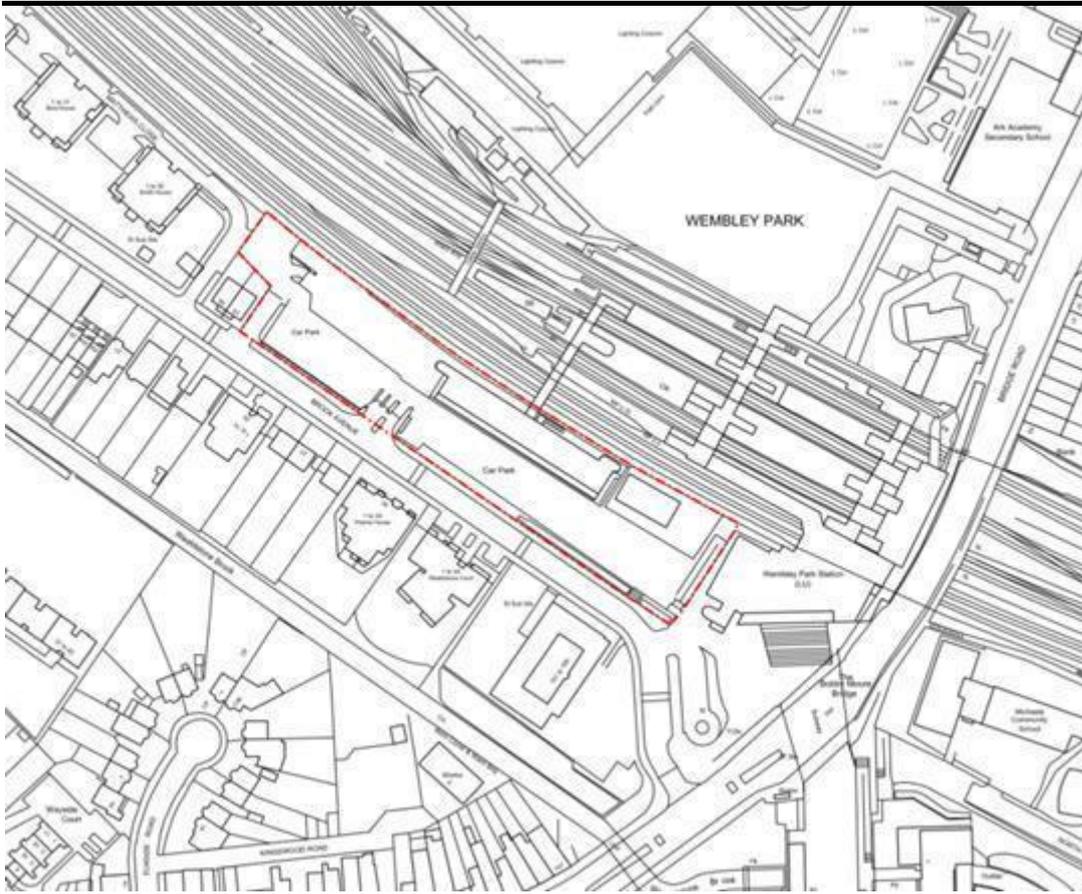
That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

## SITE MAP

|  |  |
|--|--|
|  <b>Brent</b> | <b>Planning Committee Map</b>  |
|  | Site address: Wembley Park Station Car Park and Train Crew Centre, Brook Avenue, Wembley, HA |
| © Crown copyright and database rights 2011 Ordnance Survey 100025260                             |  |

This map is indicative only.



## PROPOSAL IN DETAIL

The built form proposed on the site is as follows:

- 5x residential buildings connected by a podium at first floor level
- The heights of the buildings proposed are: 2 x 13 storeys, 1 x 14 storeys, 1 x 17 storeys and 1 x 21 storeys

The uses proposed on the site are as follows:

- 454 residential units
  - 1,101sqm of TfL offices/drivers' accommodation (use class Sui Generis)
- 115sqm of retail (use class E [A1 A2, A3, D1, D2 & B1 prior to September 2020])

## EXISTING

The existing site is located to the north west of the building forming Wembley Park Tube Station. The site currently forms the car park for the station and also contains a small building, Crown House, which houses facilities for London Underground Train Crew. The site is long and thin, fronting the Metropolitan and Jubilee Line railway on its North Eastern side and the residential street of Brook Avenue on its South Western side. The site borders Matthews Close to the North West and Wembley Park Station and Olympic Square to its South East. The site has a linear shape, being long but thin in its form.

## 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:** 733 neighbouring properties were notified of the development, in addition to site notices and a press notice being published. 13 objections were received. Objections raised concerns in relation to visual amenity considerations, neighbour amenity considerations, density of development, parking and traffic pressures, lack of family homes, loss of trees and insufficient greening and amenity space, lack of sustainable design, and lack of affordability. Your officers have addressed the objections raised and consider that the development proposal is acceptable.
2. **Provision of new home, in particular affordable homes:** Your officers give great weight to the viable delivery of a significant number of homes, including 73 London Affordable Rented homes and 79 Shared Ownership homes, comprising 40% of the total residential development. The provisions are in line with the development plan.
3. **The impact of a building of this height and design in this location:** The development would deliver five new buildings, providing a suitable and attractive built addition to the Wembley Park growth area in a highly sustainable location and in line with local policy allocation objectives. Whilst the development would exceed the policy expectations in respect of tall buildings as set out in the Wembley Area Action Plan (WAAP) and would incur some level of harm to the daylight enjoyed at neighbouring properties, a balance has to be struck between different planning objectives, and the provision of a significant number of new homes, with significantly more of those homes being secured as affordable units than the Council would deem viable is a significant planning benefit that carries significant weight. The height, layout, design and massing has been carefully considered and has been evaluated by the GLA and by Brent Officers who all have concluded that the proposed building is appropriate for this context.
4. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The flats would generally have very good outlook and light. The amenity space is below our standard in quantum, but is of a good quality, being focussed on a series of connected podium gardens between blocks to which all residents would have access. The amenity

space has clearly been maximised and is a reasonable proportion for a scheme of this scale and setting. The on-site child play space provisions are only marginally below the policy expectations. The applicant is to offset shortfalls in amenity space provision through a financial contribution of £31,000 to deliver improved wayfinding infrastructure between local parks.

- 5. Affordable housing and mix of units:** Significantly more than the maximum reasonable amount of affordable housing has been provided, incorporating a policy compliant tenure split for the portion of the affordable housing that sits within the maximum reasonable provision. This results in 40% affordable housing provision, measured by habitable room, with a tenure split of 49:51 between London Affordable Rented and Shared Ownership flats. The viability has been robustly tested and it has been demonstrated that the proposal offers more than the maximum reasonable amount that can be provided on site. The requirements of affordable housing obligations are considered to have been met and an early and late stage viability review will be secured by S106. Whilst only 10% of the homes will be family homes overall, the proportion of family homes in the affordable tenures (36% in the London Affordable Rent tenure and 27% in the shared ownership tenure) exceeds policy expectations and provides family accommodation where its local need is greatest. The benefits of the scheme, particularly the number and mix of Affordable homes that are proposed, are considered to outweigh the lower proportion of family sized homes.
- 6. Neighbouring amenity:** There would be a loss of light to some windows of surrounding buildings, which is not unusual for development of this scale. The impact is considered to be acceptable given the urban context of the site and in view of the wider regenerative benefits of the scheme.
- 7. Provision of a new Train Crew Accommodation and retail offer:** The development will include the provision of office, cafeteria and accommodation space for London Underground train drivers, replacing existing provision currently in a standalone building on the car park. The train crew accommodation will be a highly sustainable construction, achieving a BREEAM 'Excellent' rating. A small retail unit is also to be provided, which will help define an edge to the Olympic Square space adjacent to the station and expand the Wembley town centre retail offer.
- 8. Highways and transportation:** To encourage sustainable travel patterns, the scheme will be subject to Travel Plan monitoring and will be 'car-free' with the exception of residential blue badge parking spaces and bespoke parking for station and transport staff. Furthermore, the existing public blue badge parking at the station will be re-provided within this development. As part of the Travel Plan measures, the applicants will fund subsidised membership of a local car club for all residents for at least 3 years. A very significant cycle storage capacity is to be included to help encourage sustainable travel patterns. A financial contribution of £100,000 towards extending a controlled parking zone into the area is to be secured alongside the removal of rights for residents within the development to apply for parking permits (aside from blue badge holders). A financial contribution (£260,000) for bus service enhancements in the area, as required by TfL, will also be secured.
- 9. Trees, landscaping, public realm and ecology:** The development will widen the existing Brook Avenue pavement by setting the building line back from the current boundary line between the car park and Brook Avenue. 986sqm of public realm is to be gained from private land as part of the proposal. The proposal includes the loss of 9 existing trees which are generally of moderate to low quality but will include the planting of 22 trees on site, including 9 trees along Brook Avenue itself, resulting in a significant uplift in trees. The proposal will provide attractive internal and external landscaping, resulting in a good level of urban greening compared to the existing situation. Suitable ecological safeguards and enhancements have been proposed, particularly in relation to the adjacent site in nature conservation, and are considered acceptable. These measures will be secured through conditions.
- 10. Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, mainly through the use of thermal efficiencies that are beyond the minimum Building Regulations requirements and through the use of air source heat pumps that will provide 70% of residential energy demand and 100% of commercial energy demand. A carbon offsetting contribution (£338,654) will be secured to further mitigate environmental impact.

**Flooding and Drainage:** The site has a low flood risk but will incorporate sustainable drainage techniques to reduce surface water drainage rates at the site, including the use of green roofs and geo-cellular attenuation tanks.

## MONITORING

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

### Floorspace Breakdown

| Primary Use | Existing | Retained | Lost | New | Net Gain (sqm) |
|-------------|----------|----------|------|-----|----------------|
|-------------|----------|----------|------|-----|----------------|

### Monitoring Residential Breakdown

| Description | 1Bed | 2Bed | 3Bed | 4Bed | 5Bed | 6Bed | 7Bed | 8Bed | Unk | Total |
|-------------|------|------|------|------|------|------|------|------|-----|-------|
|-------------|------|------|------|------|------|------|------|------|-----|-------|

## RELEVANT SITE HISTORY

No relevant history.

## CONSULTATIONS

### Neighbour Consultation

- Letters were sent to 733 nearby properties on 01/04/2020.
- Site notices were erected outside the site and the tube station on 15/04/2020.
- A press notice was printed in the local press on 16/04/2020.
- Objections were received from 12 addresses.
- An objection was also received from Quintain Ltd.

The objections received are summarised and responded to as follows:

| Ground of objection  | Officer's response   |
|--|--|
| The development will result in a loss of daylight and sunlight to surrounding properties | This is addressed at paragraphs 112 to 138.  |
| The car park serves a function for important workers                                     | This is addressed at paragraphs 139 to 145 and 234 to 242.   |
| The car park is always full, demonstrating a need for more space not less                | This is addressed at paragraphs 139 to 145.  |
| The development would generate traffic and footfall in the local area                    | The scheme has been reviewed by the Council's highways officers and there is no concern that the development would generate an unsustainable traffic and footfall.<br><br>The scheme would largely be car-free (aside from disabled parking provision) within its residential component. |
| There are enough high rise blocks on Brook   | The design of the development has been   |

|  |  |
|--|--|
| Avenue   | considered in its local context and in view of the local policy designations on the site.  |
| The local infrastructure will struggle to cope with this number of new flats   | A number of financial contributions are being sought to address local impacts of the development. These are summarised above within the 'recommendation' section.<br><br>The developer will pay a substantial sum towards the Community Infrastructure Levy (CIL), to providing funding for the infrastructure upon which developments rely. |
| Air quality will suffer as a result of the development   | This is addressed at paragraphs 177 to 179.<br><br>The development will also be permit restricted with disabled parking only, likely resulting in fewer car journeys to and from the site than is the case at present, to the benefit of local air quality.  |
| The maximum height (at 21 storeys) would be more than twice the height of the tallest building on Brook Avenue   | This is addressed at paragraphs 44 to 52.  |
| There will be an obstruction to local views  | This is addressed at paragraphs 51 and 59 to 61.   |
| There will be a period of disruption and noise associated with construction  | This is addressed at paragraphs 186 to 187.  |
| The site allocation within the Wembley Area Action Plan identifies a site capacity of c.100 homes rather than the c.450 proposed   | This is addressed at paragraph 4.  |
| The development does not have regard to the quality of the local place, taking into account physical context, local character and density  | This is addressed at paragraphs 28 to 54.  |
| The site is considered inappropriate for tall buildings within the Wembley Area Action Plan  | This is addressed at paragraphs 43 to 51.  |
| The development's massing does not transition effectively between the core of Wembley and suburban Wembley   | This is addressed at paragraphs 43 to 51.  |
| The development would have a significant detrimental impact on local character   | This is addressed at paragraphs 28 to 55.  |
| The site allocation within the emerging Local Plan specifies that the "up to ten storeys will be considered acceptable on the western side of the site, stepping up slightly directly adjacent to the station" | This is addressed at paragraphs 44 to 52.  |
| The station is a wayfinder in itself and does not require a 21 storey building to highlight its prominence   | This is addressed at paragraphs 44 to 52.  |
| High density should not necessitate tall buildings   | The design of the tall buildings is considered acceptable.   |

|  |   |
|--|---|
|  | This is addressed at paragraphs 28 to 55.   |
| The development should not rely on the potential future context of Brook Avenue to be justified in design terms  | The design of the development has been considered in its local context and in view of the local policy designations on the site.  |
| Block E sits extremely close to the arch in the rendered views from Barn Hill and will be the only building to rise above the canopy of the stadium                        | This is addressed at paragraphs 63 to 64.   |
| The development will impede local views including from Barn Hill Conservation Area and more local roads such as Beechcroft Gardens and Kingswood Road.                     | This is addressed at paragraphs 51 and 59 to 61.  |
| There are not enough parking facilities for residents of the block. The development will likely lead to overspill parking and will put pressure on local parking capacity. | This is addressed at paragraphs 139 to 145.   |
| The policy requirement to identify a capacity for 10% parking has not been addressed acceptably  | This is addressed at paragraph 142.   |
| The scheme is under-delivering on family sized homes compared to policy requirements   | This is addressed at paragraphs 25 to 27.   |
| The daylight and sunlight should be judged in a low density context given the character of Brook Avenue  | The local context has been acknowledged in reaching a view on daylight and sunlight impact.<br><br>This is addressed at paragraphs 112 to 138 and summarised at paragraphs 137 to 138.  |
| The development is resulting in the loss of too many trees, detracting from visual amenity and local ecology   | The proposal is for an uplift in trees.<br><br>This is addressed at paragraphs 93 to 96.  |
| There will be a loss of privacy to adjacent homes  | This is addressed at paragraphs 73 to 74.   |
| There is insufficient landscaping and the green areas will not be available and/or visible to wider public creating an overwhelming estate                                 | This is addressed at paragraphs 91 to 96.<br><br>The planting plans include shrub and tree planting along the public realm of Brook Avenue.   |
| The development will increase the potential for crime  | The development will have high levels of natural surveillance through its use of widespread active frontages. Other public areas within the site (such as the older children's play area) will be well overlooked by a large number of homes. |
| There is a concern about the impact of the development on local property prices  | This is not a material planning consideration.  |
| The improvements shown to Olympic Square should be secured through a bespoke Section 106 obligation and not through the Community Infrastructure Levy (CIL)                | This is addressed at paragraph 158.   |
| The significant frontage along Brook Avenue comprised of bike stores results in significant stretches of inactive frontage   | The bike store frontages are active.<br><br>This is discussed at paragraphs 35 and 54.  |

|  |   |
|--|---|
| The development has a shortage of play space and amenity space   | This is addressed at paragraphs 79 to 90.   |
| The road has traffic throughout the day  | This is not considered to be a concern in the context of this development.  |
| The road surface along Brook Avenue is poor quality  | This is not relevant to this development.   |
| The block is not designed with green principles, there is no use of solar PV or renewable energy sources | The building will be highly sustainable.<br>This is addressed at paragraphs 172 to 176 and 195 to 208.  |
| The air quality assessment does not use up to date data.   | The air quality report has been reviewed by Brent's Environmental Health team and is considered to be acceptable. The air quality report is discussed at paragraphs 177 to 179.<br><br>Environmental Health officers note this comment and acknowledge the air quality assessment's use of 2017 data, despite being written in March 2020. However, at the time of writing 2019 data was not available and the 2018 data has issues with low data capture. Therefore, the use of 2017 data is acceptable and it is understood that air quality levels have since improved so the 2017 data would provide a worst case scenario. |
| We have too many blocks that lay empty because residents cannot afford them.                             | The scheme is 40% comprised of affordable housing.  |

### **Internal Consultation**

#### **Environmental Health**

No objections subject to planning conditions to secure certain matters, as discussed at paragraphs x below.

#### **External Consultation**

##### **Thames Water**

No objections subject to a condition being imposed relating to piling.

##### **London Underground**

No objections to the development and no conditions required / recommended.

##### **Greater London Authority (GLA)**

The GLA made the following key comments:

| <b>Comment</b>   | <b>Officer's response</b> |
|--|---------------------------|
| Principle of development: The proposed scheme would deliver an optimised residential-led mixed use scheme within the Wembley Opportunity Area and is strongly supported in strategic terms in line with London Plan Policies 2.13 and 3.3 and Policies SD1 and H1 and objective GG2 of | Noted                     |

|   |  |
|---|--|
| the Mayor's intend to publish London Plan.  |  |
| Affordable housing: The scheme would deliver 40% affordable housing (49% London Affordable Rent: 51% shared ownership) and would qualify for the Fast Track Route and the GLA would support the scheme.   | Noted  |
| Heritage and urban design: Broadly supported and there would be no harm caused to the setting of nearby heritage assets or the composition of the local strategic view – Barn Hill to Wembley Stadium.  | Noted.   |
| Environment: Further information is required in relation to the non-domestic Be Lean target, overheating, future-proofing for connection to district heating, PV and heat pumps. A payment to the borough's offset fund of £338,654 is required and should be secured in the Section 106 agreement.   | <p>The further information requested has been provided by the applicant and it has been agreed that this is suitable for addressing at a post-planning stage.</p> <p>The payment of the offset fund will be secured in a Section 106 agreement.</p>  |
| Transport: A contribution of £260,000 towards bus capacity enhancement is sought. Consideration should be given to updating the Active Travel Zone assessment to reflect the routes specified by TfL and an agreement covering the funding of the improvements should be negotiated with the Council. Cycle parking and management plans should be secured by planning condition. | <p>The payment of the bus capacity contribution will be secured in a Section 106 agreement.</p> <p>The applicants have considered updating the Active Travel Zone assessment as per TfL's suggestion, although consider that their suggested route for improvements is already high quality with wide footways.</p> <p>Brook Avenue has been identified as the future location of a cycle quiet way. This project is to be funded through CIL contributions and further funding is not necessary.</p> <p>Brent also consider that such improvement works, were they to require funding, would not likely be needed to make the proposal necessary in planning terms given the wider benefits of the scheme, as needs to be demonstrated for a planning obligation to be sound.</p> |

Transport for London (TfL)

TfL made the following key comments:

| Comment   | Officer's response |
|---|--------------------|
| The car parking and cycle parking proposals are acceptable. | Noted.             |

|  |   |
|--|---|
| An updated Active Travel Zone assessment should be undertaken which is robust and includes the routes that were specified by TfL during the pre-application. | The applicants have considered updating the Active Travel Zone assessment as per TfL's suggestion, although consider that their suggested route for improvements is already high quality with wide footways.<br><br>Please see the above comments about the cycle quiet way |
| Further details on the ramp design are required to confirm its suitability for pedestrians and wheelchair users.   | This is to be secured by condition.   |
| A Stage 1 Road Safety Audit should be carried out on the proposed vehicle access points.   | This is addressed in paragraph 145 below.   |

### **Community Involvement**

The applicant's Design and Access statement includes details of the consultations undertaken with the community prior to the submission of the application. Two public consultation events were held in advance of submission, the first on the 29<sup>th</sup> and 30<sup>th</sup> January 2020 and the second on the 25<sup>th</sup> and 26<sup>th</sup> February 2020.

These consultation events were advertised through a flyer drop to around 1,570 local residents, community groups and businesses. Door to door outreach along Brook Avenue was also undertaken in raising awareness of this. The events were also advertised in the Brent and Kilburn times prior to each of the events. A mailshot was also sent to Oyster Card users who live in the immediate area and who had opted in to receive updates from TfL.

Fifty-six people attended the first set of meetings, including a local Councillor, a local head teacher, a representative from Wembley Stadium, TfL staff working on the site, local residents from Brook Avenue as well as the wider Wembley Area. Twenty-five people attended the second set of meetings, including a local Councillor, the secretary of Barnhill Residents' Association and Local residents from Brook Avenue, Barnhill and the wider Wembley area

In addition to the main public exhibitions, 25 local stakeholders were offered one to one meetings to discuss the proposal, including local councillors, MPs, London Assembly Member, businesses and community groups. Two meetings were held, one with Wembley Stadium representatives and one with the Leader of the Council, both in January 2020.

A telephone number voicemail and e-mail address were made available for local stakeholders to ask questions about the proposals. Three emails and two calls on the proposals were recorded.

The response from local residents, community groups and local representatives who expressed a view was largely reported to have been positive. The applicant's stakeholder engagement consultants report feedback having focussed on the following aspects:

- Support for redevelopment. There was general agreement among consultees that the site was in need of redevelopment and there was support for the benefits the scheme would deliver. At the first exhibition, on average 44 per cent of consultees strongly agreed or agreed with the principles of development such as affordable housing, public realm improvements and sustainable travel. This increased to 62.5 per cent at the second consultation, who indicated their overall support for the development.
- Car parking. Some attendees expressed concern with the lack of local parking options after the car-park is redeveloped. Questions surrounding blue badge parking provision were raised and consultees welcomed the retention of the 12 existing, publically accessible blue badge spaces as part of the new development.
- Height. At the first consultation, some consultees questioned the height of Block E and whether it would impact surrounding views for existing Brook Avenue residents. Nevertheless, some stakeholders and residents did recognise that the site is appropriate for development considering consented nearby

developments, such as the Quintain Masterplan and its location adjacent to a key transport node.

- Traffic and transport. Generally, consultees felt that the area had good transport links, given the site's proximity to Wembley Park Underground Station. The majority of respondents agree that encouraging walking, cycling and public transport use will help improve air-quality and relieve congestion in the area. The introduction of an improved pedestrianised environment along Brook Avenue was welcomed.
- Types of retail in the ground floor of block E. There was interest about the types of retail that would be provided in the ground floor of block E. Attendees generally stated that they would like to see a coffee shop, convenience store, juice bar or community space. Some attendees were against the idea of having a bar within the space as they wanted to restrict the sale of alcohol on the premises.
- Landscape and greenery. The majority of those who responded strongly agree that the improved public realm and green landscaping will be a welcome addition to this part of Wembley.
- Affordable Homes. The majority of respondents agree or are neutral about the provision of affordable housing in order to address the housing shortage in Brent.
- Servicing. Majority of the attendees were glad designated servicing bays will be provided to ensure the development will not add to the congestion along Brook Avenue.

## **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, Wembley Area Action Plan 2015 and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies include:

### The London Plan (2016)

- 2.13 – Opportunity areas and intensification areas
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 – Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities
- 3.8 - Housing Choice
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
- 5.2 - Minimising Carbon Dioxide emissions
- 5.3 – Sustainable Design and Construction
- 5.9 – Overheating and Cooling
- 5.10 – Urban Greening
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 6.14 – Freight
- 7.2 - An inclusive environment
- 7.4 – Local Character
- 7.5 – Public Realm
- 7.6 – Architecture
- 7.7 – Location and Design of Tall and Large Buildings
- 7.8 – Heritage Assets and Archaeology
- 7.14 – Improving Air Quality
- 7.15 – Reducing and Managing noise, improving and enhancing the acoustic environment and promoting appropriate townscapes
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodland

### Brent Core Strategy (2010)

CP1: Spatial Development Strategy  
CP2: Population and Housing Growth  
CP5: Placemaking  
CP6: Design & Density in Place Shaping  
CP7: Wembley Growth Area  
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP21: A Balanced Housing Stock

#### Brent Development Management Policies (2016)

DMP 1: Development Management General Policy

DMP 7: Brent's Heritage Assets  
DMP 9: Waterside Development  
DMP 9 A: Managing Flood Risk  
DMP 9 B: On Site Water Management and Surface Water Attenuation  
DMP 11: Forming an Access on to a Road  
DMP 12: Parking  
DMP 13: Movement of Goods and Materials  
DMP 15: Affordable Housing  
DMP 18: Dwelling Size and Residential Outbuildings  
DMP 19: Residential Amenity Space

#### Wembley Area Action Plan (2015)

WEM 1 – Urban Form  
WEM 2 – Gateways to Wembley  
WEM 3 – Public Realm  
WEM 5 – Tall Buildings  
WEM 6 – Protection of Stadium Views  
WEM 8 – Securing Design Quality  
WEM 14 – Car Parking Strategy  
WEM 15 – Car Parking Standards  
WEM 16 – Walking and Cycling  
WEM 18 – Housing Mix  
WEM 19 – Family Housing  
WEM 24 – New Retail Development  
WEM 30 – Decentralised Energy  
WEM 32 – Urban Greening  
WEM 33 – Flood Risk  
WEM 34 – Open Space Provision  
WEM 35 – Open Space Improvements  
WEM 38 – Play Provision  
Site W 22 – Wembley Park Station Car Park

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

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

Relevant policies in the 'intend to publish' London Plan include:

D1 London's form, character and capacity for growth  
D2 Infrastructure requirements for sustainable densities  
D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D5 Inclusive design  
D6 Housing quality and standards  
D7 Accessible housing  
D8 Public realm

D9 Tall buildings  
D10 Basement development  
D11 Safety, security and resilience to emergency  
D12 Fire safety  
D14 Noise  
H1 Increasing housing supply  
H4 Delivering affordable housing  
H5 Threshold approach to applications  
H6 Affordable housing tenure  
H10 Housing size mix  
S4 Play and informal recreation  
E11 Skills and opportunities for all  
HC3 Strategic and Local Views  
G1 Green infrastructure  
G5 Urban greening  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI 1 Improving air quality  
SI 2 Minimising greenhouse gas emissions  
SI 3 Energy infrastructure  
SI 4 Managing heat risk  
SI 5 Water infrastructure  
SI 12 Flood risk management  
SI 13 Sustainable drainage  
T1 Strategic approach to transport  
T2 Healthy Streets  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
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. The examination of the draft took place between 28<sup>th</sup> September and 16<sup>th</sup> October 2020, although the Inspectorate's recommendations arising from the examination are not yet published. 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. Relevant policies include:

**General:**

DMP1 – Development Management General Policy

**Place:**

BP1 – Central  
BCGA1 – Wembley Growth Area  
BCSA7 – Wembley Park Station (North & South)

**Design:**

BD1 – Leading the way in good design  
BD2 – Tall buildings in Brent  
BD3 – Basement Development

**Housing:**

BH1 – Increasing Housing Supply  
BH2 – Priority Areas for Additional Housing Provision within Brent  
BH5 – Affordable Housing  
BH6 – Housing Size Mix

BH13 – Residential Amenity Space

**Economy and Town Centres:**

BE1 – Economic Growth and Employment Opportunities for All

**Heritage and Culture:**

BHC1 – Brent’s Heritage Assets

BHC2 – National Stadium Wembley

**Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent

BGI2 – Trees and Woodland

**Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

BSUI3 – Managing Flood Risk

BSUI4 – On-site Water Management and Surface Water Attenuation

**Transport:**

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3 – Freight and Servicing, Provision and Protection of Freight Facilities

BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018

Basements SPD 2017

## **DETAILED CONSIDERATIONS**

### **Principle of development**

1. Policy 3.3 of the London Plan and Policy GG2 of the draft London Plan both identify the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent’s Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the current London Plan includes a minimum annual monitoring target for Brent at 1,525 additional homes per year between 2015 and 2025. This target is proposed to increase to 2,325 for the period 2019/20-2028/29 in Policy H1 of the draft London Plan recognising the increasing demand for delivery of new homes across London. Emerging local plan policy BH1 reflects this target.
2. Within local policy, Brent Policy CP8 sets out a target of at least 11,500 new homes being delivered in the Wembley Growth Area between 2010 and 2026, however since the Core Strategy was adopted in 2010, this target has been significantly increased to more than 15,000 homes across the same growth area within the emerging Local Plan (policy BP1). Whilst the development meets the requirements of Core Strategy policy CP2 in principle, the need for housing has increased significantly since the adoption of this policy in 2010 and these increasing targets necessitate the need for a greater delivery of homes within Brent than is anticipated in adopted policy.
3. The site relevant to this application sits within the Wembley Area Action Plan Area, the Wembley Growth Area, the Wembley Housing Zone although sits just outside of the designated Wembley town centre boundary. The site is specifically allocated by the Council for mixed but residential-led uses in both the adopted 2015 Wembley Area Action Plan (Site W22, with an indicative capacity of 100 residential units) and site allocation BCSA7 in the emerging Local Plan (with an increased indicative capacity of 400

residential units). Brent's emerging site specific allocation suggests an appropriate development of the site could involve the site being "intensified to provide a mixed-use scheme which co-locates TfL's commercial space with a significant number of new dwellings". The emerging site allocation includes two sections, a northern section which covers defunct railway sidings on the northern side of the railway and a southern section which covers the station car park on the southern side of the railway. This site comprises the southern half of the allocation.

4. The development proposed is in line with that anticipated in the emerging site allocation, proposing TfL drivers' accommodation and 454 residential units. In addition, a retail unit is proposed at ground floor level at the eastern end of the site, close to Olympic Square. The proposed quantum of residential units exceeds that indicated within the adopted Wembley Area Action Plan site allocation however the substantial size of the site is acknowledged and the changed context from 2011 in terms of housing pressure and projected housing numbers as set by the GLA has significantly changed the context within which the allocation brief must be seen. The revised indicative capacity of 400 within the emerging Local Plan reflects this changed context. It is acknowledged that the proposal is in excess of the indicative draft site capacity (across both north and south sites, whilst this proposes to exceed the target on the south site alone). However, it should be noted that the site capacities within policies are only indicative and the scheme would deliver a significant number of homes which would make a significant contribution towards identified housing need for both private and affordable homes. The increase in the number of new homes, above the indicative capacity within the allocation is therefore considered to be a benefit of the scheme and supported in principle subject to the consideration of the remainder of the material planning considerations. The emerging London Plan places emphasis on site capacity being optimised through a design-led approach and this is set out in full in draft policy D3. This shifts the policy focus away from a quantitative density matrix approach (as is set out in the adopted London Plan) and more towards a qualitative approach that seeks to confirm suitable development density through the achievement of a proposal that is demonstrably of a high quality and which is well designed.
5. The uses proposed on the site are as follows:
  - 454 new homes
  - 1,101sqm of TfL offices/drivers' accommodation (use class Sui Generis)
  - 115sqm of retail (use class E)
6. The proposal is largely formed of new residential units but also includes 1,101sqm of TfL Train Crew Accommodation (TCA) office and welfare accommodation which would include an ancillary cafeteria for the drivers at first floor level. Given that this floor space would be for the bespoke, exclusive use of TfL and would not form market commercial space it is considered to form Sui Generis floor space rather than B1/E(g) floor space. The existing site includes a Train Crew Accommodation within a single operational building adjacent to the car park. The proposal would seek to remove these buildings and replace them within the new building, occupying the first three floors of the proposed building closest to the station. Given the location of the site immediately adjacent to Wembley Park Station, the need for such accommodation for the exclusive use of TfL is accepted and is reflected as such in the site allocation and is therefore supported in principle. The drivers' accommodation would be for the use of Jubilee Line drivers and would be linked to a staff only footbridge which would link the drivers' accommodation with the London Underground platforms at Wembley Park.
7. Finally, a general retail unit within the E use class is proposed, forming another element of active frontage at the main corner of the proposed building closest to the station and Olympic Square. The retail unit would be small scale (115sqm) and would add to the provision of retail within Wembley Town Centre, as such it would accord with the requirements of relevant town centre retail policies, those being adopted policies CP16 and DMP2 and emerging policy BE4.
8. Overall, the development is supported in principle and is considered to be appropriately compliant with key strategic policies relating to housing and retail, both adopted and emerging.

### **Affordable housing and unit mix**

#### **Adopted affordable housing policy**

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

economic viability when negotiating on affordable housing, and other individual circumstances.

10. Adopted DMP policy DMP 15 confirms the Core Strategy target (policy CP2) that 50% of all new homes in the borough will be affordable. The maximum reasonable amount will be sought on sites capable of providing 10 units or more, such as this scheme. 70% of new affordable housing should be social/affordable rented housing and 30% intermediate housing at affordability levels meeting local needs. Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a viability appraisal to demonstrate that schemes are maximising affordable housing output.

Emerging affordable housing policy

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

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

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

13. 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 |                            |

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

Initial affordable housing offer

15. The applicant's initial affordable housing offer saw 43% of the development offered as affordable housing when measured by unit numbers (50% as measured by habitable room numbers), with 34% of this housing comprised of London Affordable Rented housing and the other 66% comprised of shared ownership housing. The applicant's supporting financial viability assessment did indicate that this offer would return a deficit of £4.09m and therefore represented more than the maximum reasonable amount

of affordable housing. Nonetheless, the above offer fails to meet a key requirement of adopted and emerging affordable housing policy, namely; the offer does not target a policy compliant tenure split for 70% of the affordable housing to be low cost or affordable rented housing and for 30% of the affordable housing to be intermediate affordable housing, instead targeting close to the reverse split compared to this requirement which forms part of the adopted DMP15 policy and emerging policy BH5. This initial affordable housing offer is set out below:

|       | Private | London Affordable Rent | Shared Ownership | Total |
|-------|---------|------------------------|------------------|-------|
| Homes | 261     | 62                     | 133              | 456   |
| %     | 57.2 %  | 13.6 %                 | 29.2 %           |       |

#### Revised affordable housing offer

16. Officers appointed BNP Paribas to make its own assessment of the scheme's financial viability and as part of the appraisal to identify an alternative affordable housing offer which targeted the policy compliant tenure split and which would not result in a financial deficit to the applicant. The BNP Paribas analysis identified that an affordable housing offer as set out below would likely return a small surplus (of £0.06m) and would therefore represent an offer that is the maximum reasonable amount of affordable housing if provided in line with adopted and emerging policy.

|       | Private | London Affordable Rent | Shared Ownership | Total |
|-------|---------|------------------------|------------------|-------|
| Homes | 351     | 73                     | 32               | 456   |
| %     | 77.0 %  | 16.0 %                 | 7.0 %            |       |

17. This offer represents 23% affordable housing measured by unit, and a 70:30 tenure split ratio between London Affordable Rent : Shared Ownership. Compared with the applicant's original offer it would result in the delivery of 11 additional London Affordable Rented homes, for which there is a significant need in the borough.

18. Whilst this offer would satisfy the requirements of Brent's emerging affordable housing policy BH5 since it offers a suitably low cost rented product at a policy compliant tenure split, the offer falls short of the GLA's threshold approach identified within emerging London Plan policy H6, whereby applications can be 'fast-tracked' without further FVA scrutiny if proposing 35% affordable housing (as measured by habitable room) when targeting an H6 compliant tenure split (set out above). Furthermore, the site forms part of the Mayor's portfolio which has a mandate to deliver 10,000 homes on TfL land across London, and for these homes to achieve a 50% affordable provision on average. Given these factors, the applicants have opted to increase the affordable housing offer from the base revised offer identified above to the following:

|       | Private | London Affordable Rent | Shared Ownership | Total |
|-------|---------|------------------------|------------------|-------|
| Homes | 302     | 73                     | 79               | 454   |
| %     | 66.5 %  | 16.1 %                 | 17.4 %           |       |

19. This offer proposed by the applicant represents 34% affordable housing measured by unit and 40% affordable housing measured by habitable room. While it represent a 48:52 tenure split ratio between London Affordable Rent : Shared Ownership measured by unit (49:51 by habitable room), it reflects the provision of the maximum reasonable amount of affordable housing (in line with adopted policy) plus 47 additional Shared Ownership homes, with the latter resulting in reduced levels of profit. Accommodating this offer required some amendments to the layout of one of the blocks which has reduced the total number of homes proposed from 456 to 454. The applicants have also modelled their revised offer in financial terms, with the modelling showing that the revised offer is projected to return a deficit of £5.29m, greater than that of the original offer.

20. The applicant's revised affordable housing offer is fully broken down by unit and habitable room below:

#### *Revised offer (units)*

| Unit type                | Private            | London Affordable Rent units | Shared Ownership units | Total             |
|--------------------------|--------------------|------------------------------|------------------------|-------------------|
| Studio                   | 57                 | 0                            | 1                      | 58 (12.7%)        |
| 1 bedroom                | 114                | 22                           | 26                     | 162 (35.7%)       |
| 2 bedroom                | 131                | 25                           | 31                     | 187 (41.2%)       |
| 3 bedroom                | 0                  | 26                           | 21                     | 47 (10.4%)        |
| <b>Total</b>             | <b>302 (66.5%)</b> | <b>73 (16.1%)</b>            | <b>79 (17.4%)</b>      | <b>454 (100%)</b> |
| <b>Affordable: 33.5%</b> |                    | <b>48.0%</b>                 | <b>52.0%</b>           |                   |

Revised offer (habitable rooms)

| Unit type                | Private            | London Affordable Rent units | Shared Ownership units | Total               |
|--------------------------|--------------------|------------------------------|------------------------|---------------------|
| Studio                   | 57                 | 0                            | 1                      | 58 (5.1%)           |
| 1 bedroom                | 228                | 44                           | 52                     | 324 (28.7%)         |
| 2 bedroom                | 393                | 75                           | 93                     | 561 (49.6%)         |
| 3 bedroom                | 0                  | 104                          | 84                     | 188 (16.6%)         |
| <b>Total</b>             | <b>678 (60.0%)</b> | <b>223 (19.7%)</b>           | <b>230 (20.3%)</b>     | <b>1,131 (100%)</b> |
| <b>Affordable: 40.0%</b> |                    | <b>49.2%</b>                 | <b>50.8%</b>           |                     |

21. Officers welcome the applicant's proposed uplift beyond the demonstrated maximum reasonable amount of affordable housing, incorporating 47 additional shared ownership units beyond that which was identified as the maximum reasonable amount of affordable housing when achieving a policy compliant tenure split. The additional homes which have been offered result in the overall tenure split of the affordable housing becoming more weighted towards shared ownership, however, the offer incorporates all of the components of the identified maximum reasonable tenure split policy compliant offer identified within the BNP Paribas modelling and can therefore be assuredly confirmed as an offer that is in excess of the maximum reasonable amount of affordable housing when targeting a policy compliant tenure split. The affordable housing offer is also compliant with the tenure split requirements set out in policy H6 of the emerging London Plan as it provides at least 30% of its affordable housing as Low Cost Rented housing (London Affordable Rent) and at least 30% of its affordable housing as intermediate (shared ownership housing).
22. Officers acknowledge that the revised proposal results in fewer affordable homes overall compared with the original proposal, however, the benefits of the uplift in London Affordable Rented homes is considered to significantly outweigh the overall reduction in affordable housing which solely relate to the shared ownership tenure, for which a lesser need is identified in policy. For clarity, the scheme has seen a 22% reduction in the number of affordable housing units being offered (from 195 to 152), but, as part of this, an 18% uplift in the number of London Affordable Rented units (from 62 to 73), which is afforded significant weight. Officers consider that the applicant's revised affordable housing offer is now compliant with all relevant affordable housing policy, contrary to the initial offer, and would be of greater benefit to Brent residents compared with the applicant's initial affordable housing offer.
23. Despite the offer being acceptable (and thus exceeding the maximum reasonable amount of affordable housing that the site can deliver), the offer falls short of the 50% target set out in policy DMP15 and a late stage review mechanism will therefore be secured in a s106 agreement to capture any uplift in affordable housing. An early stage review will also be applied to ensure that changes in market conditions can be accounted for if the development is not implemented within two years.
24. The location and distribution of the tenures across the scheme is detailed below in paragraphs 37 to 42.

#### Wider acceptability of tenure mix

25. Brent's core strategy policy CP2 and Wembley Area Action Plan policy WEM19 seeks for at least 25% of homes to be family sized (three bedrooms or more). Brent's emerging policy BH6 within the draft Local Plan carries forward this same target, but requires 1 in every 4 homes on individual sites to be family sized units. The proposal achieves a proportion of family sized accommodation (10%) although this is significantly short of the 25% target.
26. Whilst acknowledging the shortfall, it is strongly welcomed that the applicant's affordable housing offer assigns all of the scheme's family sized units to the affordable tenures where need is greatest. In demonstrating this, 100% of the scheme's family accommodation sits within the affordable tenures block

and 31% of the scheme's affordable housing is comprised of family sized homes when measured by unit (36% in the London Affordable Rented tenure and 27% in the shared ownership tenure). When measured by habitable room, 42% of the scheme's affordable housing is comprised of family sized homes with this proportion being 47% in the London Affordable Rented tenure and 37% in the shared ownership tenure.

27. In the context of market driven residential development, officers acknowledge the reality of there being a fine balance to strike between scheme viability and family home provision, with a greater percentage of three bedroom homes (which have lower £/sqft values compared with smaller units) generally resulting in less viability for affordable housing provision. On balance, the impacts associated with the lower (10%) provision of family homes are considered to be outweighed by the benefits associated with the significant proportion of affordable housing within the scheme, significantly beyond the maximum viable amount, and given the significant over-representation of the family accommodation within the affordable tenures.

## **Design**

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

## **Layout**

29. The development site has significant length, fronting Brook Avenue to its south west, although is relatively narrow. The proposal has sought to arrange development on the site in the form of five residential blocks with modest floorplates, each separated by expanses of space between 18 metres and 22 metres in depth. At ground floor level the five blocks are proposed to be connected together through a podium base slab.
30. The podium base slab would contain residential units fronting Brook Avenue within its southern half and the covered car parking area within the northern half. The two accesses to this car park will also be provided at ground floor level at either end of the development site. In between the residential units at ground floor level, main residential entrances will be provided at the base of each of the five blocks that rise above the podium. Cycle and refuse storage will also be provided just inside the entrances to these residential blocks with the cycle storage designed to front directly onto Brook Avenue providing additional animation and natural surveillance of the street.
31. Atop the podium base slab, at first floor level, a large podium garden would be provided for the use of all residents. The garden space would be split into four separate garden areas with different characters. These garden spaces would be connected by semi-covered walkways at the southern edge of the building with each of the residential blocks cantilevering over these walkways.
32. Above the first floor, the development separates into its five separate blocks which would each extend upward to a maximum of 13 residential storeys in the case of blocks A and B (although the 13<sup>th</sup> floor of Block A is not proposed as a residential storey and would instead contain the plant for the development's air source heat pumps), 14 storeys in the case of Block C, 17 storeys in the case of block D and 21 storeys in the case of Block E. Between blocks D and E, an additional connecting block is proposed which would sit atop part of the easternmost podium garden and extend upward from the podium by 6 storeys. This connecting block would contain additional homes and would be provided with a rooftop garden at the 7<sup>th</sup> storey level, for the use of residents in both blocks D and E.
33. Each of the 5 blocks would see a reduction in massing part way up, with Blocks A and B reducing in massing above their 6<sup>th</sup> storeys, Block C reducing in massing above its 8<sup>th</sup> storey, Block D reducing in massing above its 11<sup>th</sup> storey and Block E reducing in massing above its 15<sup>th</sup> storey. These reductions in massing enable the delivery of large rooftop amenity spaces for certain units located at the points where the massing reduces. Block A, the block with the least massing would be located toward the western end of the site, closer to the lower scale context along Brook Avenue whilst Block E with the greatest massing would be located at the eastern edge of the site, adjacent to the existing station building.
34. Unlike the other blocks, the first three levels (ground to 2<sup>nd</sup>) in Block E would contain commercial floor space. The south eastern corner of Block E would have a dual aspect frontage containing a 115sqm

retail unit within the E use class on its ground floor. Behind this retail unit in the northern part of the ground floor of Block E would be the Train Crew Accommodation (TCA) which would be rehoused from a single building in the car park (Crown House). The TCA space would include offices, changing facilities and a canteen/kitchen bespoke to London Underground operations. The TCA space would also include, from the ground floor, access to an external walkway which would enable a direct connection to Wembley Park Station for staff only. The TCA space would also occupy most of the first and second floors of Block E, although the residential core in Block E would still provide access to one unit on the first floor and one unit on the second floor within the link block from Block E itself. Above the 2<sup>nd</sup> floor, Block E would be fully residential in terms of proposed use. Block E is also the only block to contain a basement level. The basement would be modest in size and would house the commercial sprinkler tank room and the wet riser for the Block. The basement would therefore only need to be accessed for maintenance purposes.

### Public Realm

35. In terms of providing a good quality external environment for residents and passers-by, active frontages have been maximised at street level. A significant extent of the ground floor frontage to Brook Avenue has been activated, including the commercial frontage at Block E, the five clearly defined entrances to the residential cores of each block, the residential units fronting Brook Avenue (including 2 metre wide front garden spaces to them) and the glazed frontages to the ground floor cycle stores. This would leave the less active parts of the frontage as the two vehicular entrances to the car park, the bin store frontages and one narrow plant room frontage servicing block E. It is considered that the active frontages have been reasonably maximised within the development, with the vehicular access and bin stores needing to be provided as street fronting elements for ease of access by both building users and refuse collection contractors but together only forming small gaps that are few and far between in an otherwise active frontage to Brook Avenue. The ground floor units front onto the street and are accessible from the street rather than from the cores. This will increase street activity and further embed a residential character. Appropriate defensible spaces, which form part of the landscaping plan, will establish a suitable soft landscaped privacy buffer between the ground floor residential windows and the public street environment.
36. The development site would include the provision of new public realm along Brook Avenue, inclusive of incidental play spaces to further encourage street activity. The development's frontage would be stepped back from the existing boundary between the public footway and the car park site on Brook Avenue resulting in a substantial increase in public realm and a widening of Brook Avenue. The widening would be by no less than 2 metres along the full extent of the frontage and as wide as 5 metres at some points along the frontage. This would result in a gain of public realm along Brook Avenue of 986sqm, and would be of benefit to the quality of the public realm and enhance active travel potential, in line the aspirations of the emerging London Plan policy T2. As part of the public realm gain, the part of the site which sits to the rear of no's 50 and 51 Brook Avenue will be landscaped so as to provide a more enclosed play space aimed at older children (12+). A new substation will also be provided here as part of the development – this will be tucked away and will not be easily visible from the street. Part of the rear play space will be shared with the access to the residents' car park and a robust schedule of measures will need to be submitted by condition to demonstrate how the play space and residents' car park access will be safely integrated. The applicants set out that servicing will be in the form unencumbered 24/7 access for UKPN (the operator) with space to park a suitable vehicle in front of the substation in the event that the transformer is replaced. Furthermore, an extensive landscaping proposal has been submitted incorporating street tree planting and numerous landscaping features.
37. The building has been designed so that the character of the frontage shifts as one travels west along Brook Avenue from Block E to Block A. Block E is to be fronted by a large triple height colonnade framing the commercial extent of the development within its first three floors. Blocks D, C and B will be fronted by double height colonnades rising up to frame the cantilevered walkways between the gardens separating these blocks at first floor level and Block A will not be provided with a colonnade feature. This will result in the character of the development transitioning from a more civic feel closer to the focal point of the development around the station to a more domestic feel closer to the periphery of the site and its proximity to the lower scale developments along the northern side of Brook Avenue.

### Distribution of tenure

38. The 73 London Affordable Rented flats within the scheme are to be located in the following parts of the development:

- 7x flats directly accessed from the street at ground floor level at the bases of Blocks A, B, C and D
  - 60x flats comprising all of the units accessed internally within Block A
  - 6x flats accessed internally within Block B at first and second floor levels, accessed from a dedicated core for the tenure
39. The 79 Shared Ownership units within the scheme are to be located in the following parts of the development:
- 56x flats accessed internally within Block B, comprising all of the units accessed internally within Block B aside from the 6x London Affordable Rented flat located across the first and second floors
  - 11x flats accessed internally within Block C, comprising all of the first and second floor flats within Block C
  - 12x flats accessed internally within Block D, comprising most of the first and second floor flats within Block D
40. The 302 private units within the scheme are to be located across the remaining parts of the development, as follows:
- 60x flats accessed internally within Block C, comprising all of the units within Block C between the third and thirteenth floors
  - 98x flats accessed internally within Block D, comprising some of the units at the first and second floors and all of the units between the third and sixteenth floors
  - 144x flats accessed internally within Block E, comprising all of the residential units within Block E
41. Each of the flats is accessed through one of the 5 main residential entrances to each building from Brook Avenue, or, in the case of the 7 street fronting London Affordable Rented (LAR) units, directly from Brook Avenue itself. However, occupants of the 6 LAR flats in Block B would enter the development via the Block A entrance, ascend to the first floor podium level and cross over a part of the landscaped podium in order to access a dedicated lift/stair core which is separate from the other core in Block B which serves the 56 shared ownership flats from the ground level. The dedicated core would provide access to the 6 LAR flats across parts of the first and second floors of Block B only. This arrangement will continue to ensure self-containment of the London Affordable Rented accommodation for management purposes and is therefore accepted. Occupants of the 6 LAR flats in Block B will not have access to the ground floor of Block B (except in an emergency), so to ensure that occupants of LAR flats in Block B still have a suitable means of disposing of refuse, a bin chute room is proposed on the first floor of Block B's dedicated LAR core. The bin chute will collate waste in an intermediate waste storage area at ground floor which will be manually moved to the road side collection point by the building management. Additionally, to enable access to the bicycle storage for residents of LAR units in Block B, a dedicated street entrance to the Block B bicycle store is proposed from Brook Avenue, whereas the other blocks' bicycle stores will only be accessible from within the core. Whilst the London Affordable Rented flats will be a self-contained element of the development, the other affordable tenure will be intermixed with the private units of the development and residents of all tenures within the scheme will have equal access to the first floor landscaped podium. The development will therefore facilitate social cohesion between the different tenures.
42. All of the blocks in the development are to be provided with very similar visual treatment and entrance areas, resulting in there being minimal visual differences between the solely affordable blocks (A and B), blocks where accommodation is mixed between private and affordable tenures (C and D) and the solely private block (E).
43. The applicants have set out a phasing sequence for the development. Blocks A and B will come forward first, resulting in most of the scheme's affordable housing being delivered before any private housing is

delivered, followed by Block E, Block C and finally Block D. A number of the conditions will be worded so as to accommodate this phasing sequence. A condition will also require a full plan of the phasing to be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

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

44. Policy WEM5 of the adopted Wembley Area Action Plan (2015) supports the development of tall buildings (defined as being 10 storeys or greater) on the basis of its site specific tall buildings strategy. This site in the Wembley Area Action Plan is shown as a site which is inappropriate for tall buildings under WEM5 criteria, although is close to sites which are appropriate for tall buildings including the Premier Inn site on the opposite corner of Brook Avenue, the College of North West London site, the 1 Olympic Way site and the Michaela School site.
45. The emerging London Plan (which at this stage can be afforded significant weight) identifies public transport nodes as preferred areas in which to maximise additional development opportunities, as these generally present as the most sustainable locations for such growth,
46. It is clear that this policy direction has informed Brent's emerging Local Plan. Draft policy BD2 of the emerging Local Plan (which has been subject to examination and is intended to be adopted later this year, or early next year) directs tall buildings to the locations shown on the policies map in Tall Building Zones, intensification corridors, town centres and site allocations. This site sits within the tall building zone. Furthermore, the emerging site allocation within Brent's emerging Local Plan notes that development coming forward on this plot should be denser than the surrounding suburban character. The allocation states that the site is suitable for taller buildings of up to 10 storeys at the eastern end of the site allocation. This would be subject to detailed design analysis showing no unduly adverse impacts and a satisfactory relationship in terms of scale and massing.
47. Whilst the Wembley Area Action Plan (WAAP) forms part of the development plan for the area, as it is the adopted policy, the emerging changes to policy as observed within BD2 of the emerging Local Plan are to be acknowledged and stand testament to the substantial increase in housing targets that have come into relevance since the publishing of the WAAP. Furthermore, emerging London Plan policy can now be afforded substantial weight and the sustainability of this location immediately adjacent to Wembley Park Station would identify it as a preferred site for maximising development opportunities. Wembley Park Station is the only tube station in Brent to be served by more than one London Underground line and its 6a PTAL rating underlines its sustainability.
48. Whilst emerging policy would indicate that a tall building would be acceptable in principle on this site, it is acknowledged that the emerging site allocation envisages a maximum height of 10 storeys at the eastern end of the site being developed. Given that the proposal seeks consent for a development of up to 21 storeys at the eastern end of the site, in considerable excess of the expectations of the allocation, the suitability of the proposed heights of the buildings clearly presents itself as a key consideration for this development. Officers would note that this site's setting is at the edge of a town centre and growth area and within a transitional area between a high density, urban environment to the South East and a lower density suburban environment to the North West.
49. Officers acknowledge that an urban/suburban transition zone has been strongly established along Brook Avenue, formed of the Premier Inn, Wealdstone Court and Pearce House on the west side of Brook Avenue and Smith House, Best House, Yashin House and Moss House on the east side of Brook Avenue, further north of the car park site. All other development along Brook Avenue is formed of two storey semi-detached suburban dwellings in the traditional Metroland style (although some weight is given to the fact that all of these houses are within a draft development allocation in Brent's emerging plan). This development corridor has established a strong identity for the road which enables it to relate well to its surroundings.
50. The Mayor's inclusion of Brook Avenue within the Wembley housing zone has established a justification for replacement of the traditional family housing with higher density residential blocks, whilst the tall buildings designation has ensured that such densification has occurred in a way that respects the transitional, edge of centre location of the road. Officers would continue to support the development for a linear residential development that adheres to the established character of the road. Officers would find it justifiable to support additional massing at the southern end of the site, given the proximity to a transport node and the continually increasing pressure for housing as reflected in regional policy compared to that which was apparent at the point of adoption for the WAAP.

51. The buildings proposed would serve as both a place-marker for the station but also effectively transition away from the denser core of Wembley Park across Bridge Road whilst also respecting the key viewing corridor of the stadium within which it sits. The height of this apex point of the development is acknowledged as significant and that it is taller than envisioned within the draft site allocation in general design terms. Nonetheless, officers give weight to the benefits of the scheme (including 40% affordable housing provision) and other policy requirements such as the Mayor's housing SPG seeking densification of car free development around public transport hubs and consider that the proposed height of the building strikes a good balance between the competing requirements. A significant reduction in height from 30 storeys at this scheme's initial pre-app stage is also acknowledged and has resulted in a building which establishes a reasonable maximum height which balances the townscape and visual impact considerations with the benefits of the housing delivery. The applicant's submitted Townscape and Visual Impact Assessment identifies a number of local views away from Brook Avenue from where the development would be visible and demonstrates how these views would change. The development will result in a substantial change to the backdrop visible from some nearby roads (such as Elmside Road and Beechcroft Gardens), but this change would very much be reflective of the status of the site as within a growth area and a housing zone.
52. The other buildings farther west along the development reduce down from 21 to 17 storeys and then to 13 storeys in the case of the two westernmost buildings. The 13 storey Block A would be about 10 metres taller AOD than Smith House which would sit 47 metres to the north west, given the significant separation between the sites this relationship would provide an appropriate transition from the established built form. Each building includes a larger frame massing at its lower levels to provide some closer symmetry with the lower scale context across the road, these framing features are 6 and 8 storeys tall on the lowest blocks, 11 storeys tall on the penultimate block and 15 storeys tall on the highest block, helping to reinforce the transitional effect of the buildings.

### Architecture and Materiality

53. The visual design and architecture of the buildings is pleasing and brick led, helping to establish a residential character. The architecture is mainly based on the use of buff brick but utilises different brick shades to emphasise changes in volume as well as brick banding alongside window groupings to add further interest on the parts of the blocks closest to the street. The window stacks and brick bandings are arranged in a way so as to emphasise verticality. Detailed elements of the scheme such as undersides of balconies and undercrofts will be differentiated between the blocks through a range of warm yellows, browns and golden tones which would be visible from along Brook Avenue and the Wembley Park Station platforms, giving differentiation between the blocks and will be a significant element of the onlooker experience of the building within near views and would add a further degree of interest.
54. As discussed above, the language of the blocks changes at ground level as one moves from east to west, with the easternmost blocks by the station having a grander civic feel with large colonnades and the westernmost block having a simpler domestic residential frontage to reflect the more out-of-centre location. Active frontages are proposed along Brook Avenue, both from the cycle store windows and from residential windows with appropriate defensible space. The bike store treatments will be comprised of a perforated metal frontage instead of slotted windows which helps to break up the mass of predominantly brick façade at ground floor level; the perforated frontages will include subtle graphics cycle decals to clearly way-find these elements and to encourage uptake of cycling and interaction with the bike store. The development's strong active frontage at the easternmost block will help to define a strong edge for the Olympic Square station forecourt space which it adjoins.
55. Samples of the materials to be used in the development will be reviewed and approved by officers prior to any above ground works, and this would be secured by condition.

### Impact to Heritage Assets

#### Conservation Areas and Listed Buildings

56. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively require the decision maker to have "special regard" to the desirability of preserving a listed building or its setting, and pay "special attention" to the desirability of preserving or enhancing the character or appearance of a conservation area. The Grade II Listed Wembley Arena (originally known as the Empire Pool) is located approximately 610 metres to the south whilst the Grade II Listed Brent Town Hall (now used as the Lycée International de Londres Winston Churchill) is located approximately 600 metres to

the north east. Wembley Hill Lodge is a detached Victorian house located 730 metres to the south west of the site and is also Grade II Listed. About 350 metres to the north of the site is the southern edge of the Barn Hill Conservation Area whilst about 500 metres to the north-west is the edge of the Lawns Court Conservation Area. Finally, about 775 metres to the south west of the site is the edge of the Wembley High Street Conservation Area.

57. The applicants have submitted a detailed Townscape and Visual Impact (TVIA) assessment. The NPPF states that where a proposed development will lead to substantial harm to designated heritage assets, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or in wholly exceptional circumstances identified in paragraph 195 of the NPPF. Where the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal.
58. Where harm is found to a designated heritage asset (even harm that is deemed to be less than substantial), the decision maker must give that harm considerable importance and weight as a result of the statutory requirements set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. London Plan Policy 7.8, Policy HC1 of the Mayor's Intend to Publish London Plan, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan all seek to ensure that development affecting heritage assets should conserve their significance, by being sympathetic to the character and setting of those assets.
59. The submitted TVIA identifies the nearby heritage assets and considers the impact that would be had to their settings and their character and appearance. It is considered that the statutory listed buildings and their settings would not be impacted by this development and officers agree with this conclusion. It is noted that the development would be visible from within the Lawns Court and Barn Hill Conservation Areas. Views of the proposed development from within these Conservation Areas has been included within the applicant's TVIA. Views 2 – 5 within the TVIA show the proposed development from different points within Barn Hill Conservation Area. The views demonstrate that the proposal would be seen in the context of other tall buildings within the Wembley Opportunity Area although from a couple of views, the buildings forming this proposal would appear to have a slightly greater prominence than those forming the existing backdrop of tall buildings. This additional prominence would detract from the traditional character and setting of the Conservation Area from the affected viewpoints to a small extent (namely from the Barn Rise/Barn Way junction (view 3A) and the Barn Rise/Eversley Avenue junction (view 3B)) but would otherwise have a negligible impact on the setting, character and appearance of the Conservation Area. The TVIA views also included 'emerging context' versions, which shows the proposed buildings in amongst buildings which have planning consent. Within the 'emerging context' views, the proposal's prominence would appear commensurate with the neighbouring buildings, particularly the Fulton Quarter development, which this development would appear subservient to from all but one of the views within the Conservation Area (junction of Barn Rise/Eversley Avenue (view 3B)). In the context of the emerging backdrop to the Conservation Area, the harm to the character and appearance of the Conservation Area would be minor and certainly less than substantial in the context of the wider contribution of the heritage asset.
60. View 6 within the TVIA sets out the appearance of the development from along The Avenue within the Lawns Court Conservation Area. The proposed development would be perceived as part of the emerging cluster of tall and large development within the Wembley Opportunity Area. It is therefore consistent with the existing context and will blend-in well with the brick heavy townscape in the foreground. The proposed development will, however, appear nearer to the viewer and change the way the view terminates. Nonetheless, the open characteristic of the view which is created by the road and the green space to the left is unchanged. The development would certainly be a more urban backdrop for the Conservation Area compared to the present but would still appear some distance away and would not compete with the immediacy of the domestic scale built form forming the Conservation Area. In summary, as with Barn Hill, the proposal would detract from the traditional character and setting of the Conservation Area to a small extent. The harm to the character and appearance of the Conservation Area would be minor and certainly less than substantial in the context of the wider contribution of the heritage asset.
61. In summary, there would be some limited harm to the Barn Hill and Lawns Court Conservation Areas owing to the proposal's prominence from certain viewpoints within the Conservation Area, but that the development would still be perceived as distant elements commensurate with an established backdrop of tall buildings in the emerging context. The harm would be less than substantial but officers nonetheless afford this harm special importance and weight given the formal designation of the heritage assets.
62. Overall, officers consider that the less than substantial harm to the designated heritage assets would be

significantly outweighed by the benefits of the scheme discussed above.

#### Impact to locally protected views of Wembley Stadium

63. The proposal's tallest building at 21 storeys comfortably sits below the Wembley Stadium Arch as seen from Barn Hill, which is a strategically protected view within the WAAP Policy WEM6 and Brent's emerging Local Plan Policy BHC2. This building would also be subservient to the emerging Fulton Quarter development (a 25 storey development with planning permission) across Bridge Road, both in absolute terms and as seen from the key protected viewing corridor atop Barn Hill. The analysis of the impact of the view is discussed in the applicant's TVIA and forms view number 1 in the analysis.
64. The development proposal would not materially affect any other locally protected views of Wembley stadium.

#### Impact to local Archaeology

65. The site has been assessed for its below ground archaeological potential and the applicants have submitted a report to communicate the findings. The report confirms that no World Heritage Sites, Scheduled Monuments, Historic Battlefields or Historic Wrecks lie within 1km of the site. The site is also not within one of Brent's locally designated Archaeological Priority Areas.
66. The history of the site has largely been as agricultural land until the establishment of Wembley Park station. Since the station has been built the site has seen several phases of development and redevelopment responding to the growth of Wembley Park Station. It is concluded that the site has a generally low archaeological potential for all past phases of human activity.
67. Geotechnical investigations have been undertaken within the study site and it is concluded that, based on the perceived archaeological potential of the study site, the previous development within the study site and the results of the geotechnical investigations, no further archaeological mitigation measures are requested.
68. The Council's heritage officer agrees with the findings of the report and that no further archaeological mitigation measures should be required.

#### Quality of residential accommodation

69. Policy DMP1 within Brent's Development Management Policies (2016) and within Brent's emerging Local Plan (2019) in addition to policy 3.5 of the adopted London Plan (2016) and D6 of the emerging London Plan (2019) require developments to achieve high quality standards of internal amenity and quality of accommodation. Policy DMP18 within Brent's Development Management Policies (2016), 3.5 within the adopted London Plan (2016) and D6 of the emerging London Plan require adherence with the minimum internal space standards for new homes as set out in the London Plan. Further guidance on the quality of accommodation is set out in Brent's SPD1 document (2018) and the Mayor's Housing SPG.

#### Size and Aspect

70. Overall, the quality of the proposed residential units is high when assessed against these policies with all of the units proposed meeting the space standards set out within the London Plan. The built form is largely composed of relatively thin residential blocks with modest footprints and single cores that enable a large number of the units to achieve dual aspect outlook and cross ventilation, in this case 72% of the units proposed will benefit from this. A number of the units located within the south western segment of each block will benefit from triple aspect. The units which have a single aspect are generally west or east facing, preventing the problems that can be experienced with lack of direct sunlight in the case of north facing flats or overheating in the case of south facing flats. Seven of the units are at ground floor and are accessed directly from Brook Avenue, three of these units achieve dual aspect outlook to the south and west whilst the other four only have single aspect outlook directly onto the street. This sole southern aspect is accepted in the context of just 3 units and it is noted that the ground floor location of these flats will mean that they are likely to be less prone to overheating compared to flats higher up the building. Furthermore, the applicants have set out a series of overheating measures to address likely issues, which is discussed later in this report.

#### Units per core per floor

71. Blocks A, B and C are designed to provide 5 or 6 units per floor which assists in the development's achievement of a high dual aspect percentage. Whilst having similar footprints to Blocks A, B and C, Blocks D and E, by virtue of the link block that connects the two at lower levels and these blocks' focus on smaller units, are designed to provide 7 units per floor. However, some floors in these two blocks which integrate with the link block would see the provision of 9 units per floor for 5 floors within Block D and for 4 floors within block E. The Mayor's Housing SPG generally advises against the provision of homes with more than 8 flats per floor per core as this can be less beneficial to achieving community cohesion, however in this case only a small number of homes would be accessed from cores that exceed the guidance expectations. In addition, the GLA strongly support the residential quality and have not raised this as a concern.

#### Accessibility

72. 12.8% of the homes (all of the studio 1 bedroom 1 person units) are designed to be reasonably accessible and useable (M4(1) standard within the Building Regulations), 77.1% of the homes are designed to be accessible and adaptable for people of differing needs and would accordingly see a greater level of fit out (M4(2) standard within the Building Regulations), 10.1% of the homes have been designed to be adaptable for wheelchair users and are accordingly sized so as to ensure suitable circulation space within each room for this purpose (M4(3) standard within the Building Regulations). Policy 3.8 within the adopted London Plan and Policy D7 within the emerging London Plan require 10% of new homes to meet the M4(3) fit out and the remainder to meet the M4(2) fit out. The provision of a component meeting the M4(1) standard only is contrary to policy in this regard, however this adjusted standard has only been applied to the smallest studio units all of which are in the private tenure and which comprise 12.8% of the scheme's units. It is noted that all of these units continue to meet the minimum space standards set out within the London Plan and provide a good standard of accommodation. The fit out that is associated with an M4(2) standard reduces some of the usable space within a unit and in the context of a smaller studio unit, the loss of usable space would be more impactful than with larger units, as such Brent would accept the provision of M4(1) flats for this small proportion of private market homes on balance. The GLA have considered this aspect and do not raise a concern in this respect either. The wider development would be fully step free in terms of core and podium access.

#### Privacy and Outlook

73. In terms of privacy between blocks, the proposal meets all standards set out in Brent's SPD1 (2018), the separation between blocks varies and is greatest between the taller blocks to preserve a good sense of separation where the scheme is densest. The separation between blocks is 18m between blocks A & B (or 15m when measured balcony edge to balcony edge), 20m between blocks B & C and C & D (or 17m when measured balcony edge to balcony edge) and 22.5m between blocks D & E (or 19.5m when measured balcony edge to balcony edge). All of these distances achieve the SPD1 standard for at least 18m separations between facing habitable windows across private/semi-private settings.

74. The application site is bounded by the 70 metre expanse of the railway to the north, the 20 metre expanse of Brook Avenue to the south, the 48 metre gap between block A of the development and Smith House within the neighbouring developing site to the west, as well as the low rise dwellinghouses at 50 and 51 Brook Avenue. Finally, to the east of the application site, Block E is positioned 6 metres from the edge of the Wembley Park Station building. SPD1 guidance would stipulate the achievement of an outlook of 9 metres from a window as being required to achieve a good level of outlook from a habitable room, and in most cases this is significantly exceeded for a high quality outlook. The following relationships are highlighted:

- The living room and one of the bedrooms in the south western corner unit in Block A on the 1<sup>st</sup> and 2<sup>nd</sup> floors have their west facing windows positioned 9 metres from the side wall of the three storey dwellinghouse at no. 51 Brook Avenue. There are no habitable room windows on the elevation of this house which faces Block A that would otherwise compromise the privacy of the affected flats. The 9 metre separation between the windows to these habitable rooms and the house meets the minimum guidance requirements although would not provide far ranging outlook as would be the case for most of the windows within the development. Nonetheless, the lounge to these affected flats also has a southern aspect with a wide outlook across Brook Avenue which significantly mitigates this.
- There is a 6 metre separation between the eastern façade of Block E and the Wembley Park Station building. This relationship results in a fairly constrained outlook from the ground, first and second floors of the south eastern elevation of Block E. Nonetheless, these three affected floors all serve the TCA and they do not function as residential floor space. As such, it is not considered that this outlook

would be unacceptable. The residential outlook from this aspect, which begins at third floor level, is unobstructed and extends over the roof of the station building.

- The two flats located to the north and south of the main core in Block E have balconies which would enable outlook into the bedroom of the adjacent link block unit (in the case of the unit to the north of the core) and would enable outlook into the living room of the adjacent link block unit (in the case of the unit to the south of the core) at close distances. This is an issue that would be experienced between the 3<sup>rd</sup> and 6<sup>th</sup> floors. The affected windows have been specifically positioned slightly to the west of the general window stack, so that a part of the windows to the affected bedrooms would have unobstructed outlook. This suitably minimises the impact of the outlook issue although the privacy issue would still remain with this arrangement. A condition will therefore require details of screening to be submitted, approved and implemented at the appropriate side edges of these balconies to prevent overlooking.

#### Internal daylight, sunlight and overshadowing

75. The applicants have tested the internal quality of accommodation in terms of how the flats perform against the BRE criteria for good levels of internal daylighting and sunlighting. The Average Daylight Factor (ADF) is the criteria used to assess this in the context of proposed development, as well as the No Sky Line (NSL) / Daylight Distribution (DD) test which is also used in assessing impact to existing neighbouring properties. For sunlight, the Annual & Winter Probable Sunlight Hours (APSH / WPSH) tests are applied, as are also applied when assessing impact to existing neighbouring properties. The podium garden spaces have also been assessed using the overshadowing BRE criteria.

76. The applicant's submission confirms that the following measures have been used to achieve a good quality internal environment for residents:

- Designing the massing to allow for greater daylight ingress and more dual aspect apartments;
- Amending the balcony design to minimise the impact on each apartment's main living area;
- Rearranging the flat layouts to prioritise daylight within the main living areas;
- Rearranging room layouts to ensure the potential of each window is realised, as far as reasonably possible
- Increasing window sizes in areas of lower daylight potential.

77. The report submitted to address this aspect confirms the following performance against the appropriate BRE daylight and sunlight tests:

#### *Daylight*

##### Block A

- 187 rooms (98%) out of 191 will meet the BRE ADF guideline targets, with only four bedrooms seeing ADF values that will be less than 1% as advised with the BRE guidelines.
- 161 (84%) of the 191 rooms will achieve daylight distribution to 80% of their extent whilst 172 (90%) will achieve daylight distribution to at least 50% of their extent.

##### Block B

- 185 rooms (90%) out of 205 will meet the BRE ADF guideline targets, with 18 bedrooms falling short of the 1% ADF target and 2 living rooms/kitchens falling short of the 2% ADF target.
- 122 (60%) of the 205 rooms will achieve 80% daylight distribution whilst 163 (80%) will achieve at least 50% daylight distribution.

##### Block C

- 157 rooms (85%) out of 184 will meet the BRE ADF guideline targets, with 19 bedrooms falling short of the 1% ADF target and 8 living rooms falling short of the 1.5% ADF target.
- 99 (54%) of the 184 rooms will achieve 80% daylight distribution whilst 146 (79%) will achieve at least 50% daylight distribution.

##### Block D

- 260 rooms (93%) out of 279 will meet the BRE ADF guideline targets, with 12 bedrooms falling short

of the 1% ADF target, 2 living rooms falling short of the 1.5% ADF target and 5 living rooms/kitchens falling short of the 2% ADF target.

- 188 rooms (67%) out of 279 will achieve 80% daylight distribution whilst 261 (94%) will achieve at least 50% daylight distribution.

#### Block E

- 318 rooms (96%) of 330 rooms will meet the BRE ADF guideline targets, with 10 bedrooms falling short of the 1% ADF target and 2 living rooms falling short of the 1.5% ADF target.
- 299 rooms (91%) out of 330 will achieve 80% daylight distribution whilst 316 (96%) will achieve at least 50% daylight distribution.

#### Sunlight

- Across the scheme, 637 windows (65%) of 980 windows will meet the BRE WPSH (winter sunlight) guideline targets, whilst 499 windows (51%) will meet the BRE APSH (annual sunlight) guideline targets.
- This is broadly comparable with some other nearby schemes of a similar scale, including Amex House (37% of windows meet APSH targets), Chesterfield House (50% of windows meet APSH targets).

#### Overshadowing

- All of the communal podium gardens, including the area atop the link block between Blocks D and E, have been tested for overshadowing performance. All of the communal garden spaces will achieve more than two hours of sunlight to at least 50% of their extents on the 21<sup>st</sup> March and therefore meet the BRE criteria in full. In fact, all gardens achieve the two hours of sunlight to at least 70% of their extents, significantly exceeding the standard. This also applies to the undercroft garden spaces that connect together the larger first floor podium gardens.

#### Noise and Vibration

78. A key aspect of the development's setting that could be a source of noise and vibration disturbance for residents is the railway line to the north. This aspect has been considered by the applicants and is discussed later in this report.

#### Amenity Space

79. Policy DMP19 states the following:

*"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."*

80. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy which provides that:

*"10.39 New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".*

81. These requirements are carried forward in Brent's emerging Local Plan under policy heading BH13.

82. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.

83. All flats will be provided with a private amenity space, in either the form of a balcony or a secluded outdoor terrace space in instances where the flat is at ground or podium level. The private terrace spaces at podium and ground level would be provided with a landscaped buffer of defensible space to ensure a suitable level of privacy for these spaces. The private terraces to the 7 ground floor flats would front Brook Avenue; whilst they would be well buffered from the street, they would not be secluded enough in their nature to be counted as private amenity space under the DMP19/BH13 standard. They are nonetheless positive additions which enhance the quality of these units. These street fronting units would nonetheless have access to the podium garden through the core of block A. All of the balcony/terrace spaces across the scheme will exceed London Plan standards for private amenity space provision. The London Plan standard requires a balcony that is at least 5sqm in size for two person dwellings with an extra 1sqm minimum for each additional occupant and that each balcony has a minimum depth of 1.5m to ensure good usability. Some of the private spaces at podium level are significantly in excess of London Plan standards, this is particularly the case for flats at higher building levels where the massing of the blocks reduces (such as the 12<sup>th</sup> storey of Block D and the 16<sup>th</sup> storey of Block E) where individual private terraces for flats range between 45sqm and 65sqm.
84. The proposal for communal courtyard spaces between the blocks forms the main part of the development's communal amenity space offer. These courtyard spaces are to be accessible to residents of all blocks. The collective usable amenity space across the courtyards measures 1,918sqm. A smaller courtyard space at 7<sup>th</sup> floor level sits atop the link block connecting blocks D and E and would provide an additional amenity space offer for residents of these two blocks. This space has an area of 200sqm.
85. In addition to the private and enclosed communal amenity spaces, the proposal will deliver new landscaped public realm. There are two components to the additional public space, one in the form of reclaimed public realm that would be provided through the stepping back of the building line from the current public/private boundary along Brook Avenue and another in the form of a more secluded space to the west of Block A which is provided as a play space for older children. This space would be accessed from alongside the western vehicular access into the residents' car parking area at ground floor level. The two newly created public realm spaces together form 986sqm of additional space. These spaces will provide a benefit to the wider community although will most directly benefit residents of this development. However, given that the new pavement along Brook Avenue will not provide amenity space with a private nature for residents it cannot be counted as part of the amenity space provision pursuant to DMP19/BH13 objectives, despite having wider value that does contribute to the quality of the scheme. The secluded play space to the west of Block A is therefore the only element of public space which has been included within the overall communal amenity space share below.
86. Overall, the amenity space provision, and associated shortfalls below DMP19/BH13 (where relevant) is as follows:

| <b>Block</b>   | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>Total</b> |
|--|----------|----------|----------|----------|----------|--------------|
| <b>Number of units which have a 20sqm amenity space standard</b>   | 61       | 62       | 73       | 111      | 144      | 454          |
| <b>Number of units which have a 50sqm amenity space standard (3 bedroom ground floor/ podium fronting units)</b> | 1        | 2        | 0        | 0        | 0        | 3            |
| <b>Amenity space standard (DMP19/BH13)</b>   | 1,270    | 1,340    | 1,460    | 2,220    | 2,880    | 9,170        |
| <b>SHORTFALL - PRIVATE</b>   | 802.8    | 842      | 972.9    | 1,524.7  | 2,036.5  | 6,178.9      |
| <b>Total share of communal</b>   | 278.3    | 287.3    | 327.7    | 585.3    | 759.4    | 2,238        |

|  |       |       |       |       |         |         |
|--|-------|-------|-------|-------|---------|---------|
| <b>spaces</b>                              |       |       |       |       |         |         |
| <b>ADJUSTED SHORTFALL (incl. communal)</b> | 524.5 | 554.7 | 645.2 | 939.4 | 1,277.1 | 3,940.9 |

87. Whilst the tables above break down the shortfall in amenity space provision against policy requirements across the different amenity space components by block, the summary position is that:

- 33% of the required amenity space provision is achieved through the provision of private balconies and terraces
- 57% of the required amenity space provision is achieved through the provision of private spaces + communal spaces

88. The development falls short of DMP19/BH13 standards by 43% for amenity space provision. It is considered that amenity space provision has been reasonably maximised across the development, utilising rooftops where possible, and it is therefore considered that such a shortfall should be accepted given that the wider benefits of the scheme and that the development proposal is within a site allocated for residential development and sits within a town centre setting. The benefit of providing a widened pavement and additional public realm beyond that which is currently present is also acknowledged in accepting this amount of amenity space for the scheme. Nonetheless, the shortfall against policy is acknowledged and officers have secured a contribution from the developer (amounting to £31,000) to improve wayfinding between parks in the vicinity, in the interests of making these parks more accessible to residents of this development and other developments within the area. Specifically, the financial contribution will secure:

- 89. Improvement to signage and way marking between: Chalkhill Park / Chalkhill Linear Park, St David's Close Open Space and Chalkhill Open Space & associated maintenance for 10 years.
- 90. Improvement to paths and access between Chalkhill Open Space towards Quainton Street Open Space & associated maintenance for 10 years.

- The above improvement projects draw from a need identified by the Council's Parks service. Overall, it is considered that the provision of significant amenity space through on site delivery (although acknowledged as falling short in the context of Brent's amenity space standards) alongside a financial contribution to improve access and wayfinding between nearby parks results in the proposal's amenity space provisions being acceptable. The £31,000 financial contribution is to be secured through a Section 106 obligation.

### Play Space

- Policy 3.6 of the adopted London Plan requires that on site play space is provided to service the expected child population of the development. These requirements are carried through within the emerging London Plan under policy heading S4. The applicants have set out a play space strategy which provides on-site play spaces broadly in line with GLA's child yield matrix. The child yield matrix would require 1,450sqm of on-site play space based on the residential and affordable housing mix proposed and based on the local PTAL level and outer London setting. This quantum of play space would be split between enclosed courtyard podium play within different parts of the podium garden targeting 0-4 year olds (645sqm), 5-11 year olds (500sqm), and 12+ year olds (130sqm) respectively. In addition, equipped doorstep play would be provided in places along the Brook Avenue frontage for 0-4 year olds (40sqm) and a rear of site play space to the west of Block A would also be provided and aimed at 12+ year olds (120sqm). The total requirements for play within the child yield matrix amount to 1,450sqm and the amount provided is 1,435sqm, 15sqm or 1% shy of the requirements, which is a very minimal shortfall. The play space provisions are strongly welcomed and the very minimal shortfall against guidance requirements is considered to be acceptable on balance – detailed plans of the play spaces and their individual features will be secured through landscaping conditions. In addition, there are also offsite play spaces for older children (12+) to access within GLA acceptable walking distances.

### Landscaping provision and Urban Greening

91. The applicant proposes a comprehensive landscaping strategy within the site and within the public realm, with tree planting, biodiverse roofs and soft landscaping proposed across a site which has minimal landscape value at present. As a result of the landscaping proposals, the applicant's urban greening

factor (UGF) compared to the existing is 0.3. Whilst not quite compliant with London Plan policy G5, which seeks a UGF of 0.4 for predominantly residential developments, the shortfall is considered acceptable given the quality of the greening measures and the site constraints. The GLA has confirmed that it takes the same view on this.

92. Detailed plans of the landscaping's individual features will be secured through a landscaping condition.

### Trees

93. The applicant has submitted an arboricultural assessment which identifies 9 existing trees along the street fronting edge of the site, mainly focussed at the end of the site closer to the station. All of these trees will need to be removed to accommodate the development. One of the trees to be removed is a category B tree (moderate amenity value), seven of the trees to be removed are category C trees (low amenity value) and one is a category U tree (minimal amenity value and in terminal decline).

94. The applicant's landscaping plan indicates a comprehensive plan for replacement planting, including 9 replacement trees along the Brook Avenue frontage, 5 additional trees within the older children's play area to the west of Block A and a number of additional trees within the first floor podium garden spaces for a total of 22 new trees on site (a net gain of 13).

95. Brent's tree officer has reviewed the plans and welcomes the landscaping proposals and would not object to the tree losses subject to their replacement as shown. The tree officer has recommended that the street tree planting includes Pyrus 'Chanticleer' and Hornbeam trees as these would be well suited to the location. These tree species recommendations will be communicated to the applicant through an informative.

96. Overall, given the low quality of the surveyed trees within the site, their removal will be sufficiently mitigated through the tree planting proposals within the Landscaping Plan that accompanies this application.

### **Impact on amenities of neighbouring properties (Privacy, Overshadowing and Losses of Light)**

97. The sites within the vicinity of the proposed development are largely sites of low-sensitivity in respect of visual amenity impact considerations. These low sensitivity neighbours include the railway lines and the Ark Academy site to the north east, the Wembley Park station buildings, Michaela School and the College of North West London to the east and south east and the Premier Inn site to the south west. However, some neighbours to the south west and north west would be more sensitive as they are existing residential sites. These sites include:

98. The dwellinghouses at 50 and 51 Brook Avenue

99. Smith House

- Residential flatted development and dwellinghouses along the south western side of Brook Avenue
- Rear gardens serving dwellings on Elmside Road and Wembley Park Drive
- Brent's DMP1 policy within emerging and Brent's SPD1 guidance sets out a number of criteria for judging impact on neighbouring residential properties in terms of losses of privacy and the creation of a sense of enclosure. It will be important to consider the extent to which the SPD1 guidance is complied with in relation to these properties, and for this impact to be weighed up as part of an overall judgement. The SPD1 amenity impact tests and the development's performance against them are explained below.

### Privacy

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

## Overshadowing & Losses of Light

100. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2m height at the nearest edge nearby private amenity space or garden areas. The proposed buildings should also sit underneath a 30-degree line drawn from a 2m height from the nearest rear facing habitable room windows within neighbouring properties that face towards the proposed buildings.
101. In the event that these relationships cannot be achieved, a careful balance of this harm in the context of the other considerations should be made. A full test of daylight and sunlight impact on surrounding properties can also assist in understanding and weighing up the harm in the balance of considerations. Daylight and sunlight testing has been carried out and is discussed in the next section.
102. The tests of overshadowing and light loss as per the 45 and 30 degree line criteria will be reported building by building, as per the below.

### 51 Brook Avenue

103. This dwelling's habitable room windows face south west and north east and do not directly face the development proposal to its south east. As such, the guidance in relation to overshadowing and losses of light do not apply to these windows. The property's rear garden would be located 7 metres to the north-west of the edge of block A meaning that the 45 degree test in respect of overshadowing/light loss as well as the 9 metre test for garden privacy are of relevance. The 45 degree test would be failed relative to this property's rear garden given the scale and proximity of block A. In respect of the privacy considerations, 2 windows per floor would directly overlook the garden of no. 51 Brook Avenue at a distance of 7 metres, 2 metres short of the general expectation of distance for achieving a good level of privacy. These windows serve the second bedroom window serving the 2 bedroom flat stacked in the south-western corner of the block and the bedroom serving the 1 bedroom flat stacked centrally on the western side of the block. Officers have secured an amendment to the block layout which has seen balconies and living room windows relocated to accord with the Council's guidance for overlooking of this garden space. This revised layout results in 2 bedroom windows per floor directly overlooking the garden space which would improve the relationship as the bedrooms would likely see less use compared to the living room windows and their associated balconies. Other windows would overlook this garden too, but not directly.

### 50 Brook Avenue

104. This dwelling's habitable room windows face south west and north east and do not directly face the development proposal to its south east. As such, the guidance in relation to overshadowing and losses of light do not apply to these windows. The property's rear garden would be located 15 metres to the north-west of the edge of block A meaning that the 45 degree test in respect of overshadowing/light loss as well as the 9 metre test for garden privacy are of relevance. The 45 degree test would be failed relative to this property's rear garden given the scale and proximity of block A, although to a lesser extent than with 51 Brook Avenue given the greater separation. In respect of the privacy considerations, all windows would exceed the 9 metre criteria for achieving a good privacy relationship with the garden space given the separation.

105. A substation is to be provided at the western end of the site, adjacent to the older children's secluded play space and immediately behind the garden of no. 50 Brook Avenue. A separate elevation drawing of the substation structure has been provided confirming that the structure will have a height of 3.85m, but that, relative to the garden level at no. 50, will have a height of 2.85m. The substation structure will be located 2 metres to the rear of the eastern end of the rear garden boundary to no. 50 and 0.3 metres to the rear of the western end of the rear garden boundary to no. 50. Given these dimensions, the substation will comply with the 45 degree line when tested against the majority of the garden serving no. 50 but will breach the 45 degree line to a very minor extent in the far north western part of the garden. As a result, it is not considered that this substation structure will materially diminish the amenity currently enjoyed in this garden.

### Smith House

106. This block is the south-easternmost of the blocks forming the Matthews Close development to the north-west of the site. The south-eastern façade of Smith House would be located 48 metres from the north-west edge of Block A. There are habitable room windows on the façade facing Block A and the

guidance in relation to overshadowing and losses of light would apply to these windows since a largely private setting separates them from the development. The 30 degree test would be failed relative to the windows in the lower floors in the south eastern façade of Smith House. However, this would be at a considerable distance, as set out above. The guidance in relation to privacy would be substantially exceeded, since there is more than a 48 metre space between the buildings, significantly more than the 18 metre distance specified in SPD1.

#### Residential flatted development and dwellinghouses along the south western side of Brook Avenue

107. A number of houses and flatted developments that line the other side of Brook Avenue would face the development site from the south west. These properties are separated from the development by a wide public highway and there is a consistent front building line along this side of Brook Avenue resulting in the properties' front elevations being located about 24 to 25 metres from the proposed development.

108. The placement of the blocks results in gaps in between the blocks being positioned in the direct site lines of buildings opposite, minimising the visual obtrusion that would be incurred to these properties. For example, the outlook to dwellinghouses 26 and 27 Brook Avenue would be to the opening between blocks A and B, the outlook to Pearce House would be to the opening between blocks B and C and the outlook to Wealdstone Court would be to the opening between blocks C and D. This results in just two buildings whose main street facing outlook would be directly towards one of the blocks, these being the block of flats forming 25 Brook Avenue (which would face block A) and the dwellinghouse 28 Brook Avenue (which would face block B). Furthermore, the distance between the street facing windows of the proposed development and the existing developments would be more than 20 metres, which is typical for the area.

109. Nonetheless, given the public setting of the separation between the proposed development and these properties, it is not considered that tests of overshadowing and losses of light and privacy, as set out in SPD1 guidance, would be relevant to these properties and that the amenity of these properties would not be unduly compromised. The impact to these properties is considered in detail in the daylight and sunlight testing (as discussed below).

#### Rear gardens serving dwellings on Elmside Road and Wembley Park Drive

110. The nearest parts of rear gardens serving dwellings along Elmside Road and Wembley Park Drive are located about 80 metres to the south of the proposed development. This is a significant distance and would be compliant with the guidance relating to privacy (9 metre separation) and overshadowing/losses of light (45 degree line) as set out in SPD1, resulting in no undue impact to these properties.

#### Summary

111. The only properties to fall short of guidance expectations are 51 Brook Avenue (short on privacy and enclosure), 50 Brook Avenue (short on enclosure) and some of the south east facing windows to Smith House (short on enclosure). All other nearby properties are not sensitive premises or are premises which are separated by a significant distance or public realm and would not warrant consideration under this criteria. Some plan changes have been secured in minimising the privacy shortfalls to no. 51 Brook Avenue. Some harm will be incurred but this is considered to be minimal in the context of the wider benefits.

#### Impact on amenities of neighbouring properties (Daylight and Sunlight Testing)

112. The applicants have submitted a numerical daylight and sunlight analysis prepared by industry experts. The submission has tested the following properties in terms of how the proposed development would affect daylight and sunlight to the windows of these buildings in line with BRE criteria:

113. Wealdstone Court, Brook Avenue

114. Pearce House, Brook Avenue

- 21 – 28 Brook Avenue
- 51 Brook Avenue
- Smith House, Matthews Close
- Best House, Matthews Close

- The results of the daylight and sunlight testing of these properties is set out below:

## Wealdstone Court

- This building dates from 2012 and is located across from the development on the south western side of Brook Avenue. The building would directly face the open space in between blocks C and D of the development proposal.
115. 37 living rooms and 31 bedrooms face the development site within this block. The windows serving these rooms are inset within a projecting frame of the building and already see significant reductions in light as a result of this frame and the projecting balcony stacks which shade most of the windows along the façade. This results in most of the windows having less than a 27% Vertical Sky Component (VSC) in the existing scenario. Such baseline scenarios can result in these windows being highly sensitive to changes in BRE results even where actual environmental changes are comparatively minor. The building's performance against the No Sky Line criteria shows minor adverse results, with the tested living spaces returning results showing that the sky would be visible from these rooms to as high as 98% of the existing scenario and no lower than 60% of the existing scenario. The BRE 'pass mark' is 80% for this criterion, resulting in a minor adverse impact with some breaches of the criteria. This impact has been limited by the building's placement in between blocks rather than directly across from a block.
116. Given the poor baseline scenario for VSC testing as a result of the current shading to the windows, the applicants have undertaken radiance analysis to determine the Average Daylight Factor (ADF) to the rooms serving these windows. The radiance analysis indicates that the existing baseline lighting levels to these flats are limited and that, with the proposed development in situ, at most a 0.1% loss of ADF would be experienced compared to the existing scenario, which is unlikely to be perceptible.
117. In terms of sunlight testing, the windows facing the proposal are north east facing, not oriented within 90 degrees due south and are not relevant for sunlight testing. However, eight secondary windows serving living spaces that face away from the site do fall within the 90 degree due south criteria and are relevant for testing. All but one of these windows will satisfy the Annual Probable Sunlight Hours (APSH) criteria, with the window falling short only doing so by one percentage point versus the 'pass mark' which is 25%. As a result, the sunlight impact to this building is considered to be negligible.

## Pearce House

118. This building dates from 2013 and is located across from the development on the south western side of Brook Avenue, adjacent to Wealdstone Court. The building would directly face the open space between blocks B and C of the development proposal. 15 living spaces and 25 bedrooms face the development site within the block. The building is not framed in the same way as Wealdstone Court and sees a more sparing use of projecting balconies which results in a higher baseline VSC scenario for these windows than Wealdstone Court, averaging in excess of 30% VSC across the facade. The proposed VSC scenario results in a significant number of windows breaching VSC criteria. The NSL testing returns minor adverse impacts, showing that living spaces would experience visible sky from between 78% of the existing room area and 100% of the room area depending on the room's location in the façade. The 'pass mark' of 80% is only marginally breached in some rooms and met in others. In terms of the bedrooms, a range of between 62% and 99% is observed.
119. The applicants have included radiance analysis for this building too to supplement then VSC testing, with results showing that there will be, at most, a 0.2% loss of ADF.
120. In terms of sunlight testing, no windows within the main façade are relevant given their orientation, however five secondary windows serving living spaces are relevant for sunlight testing. One of these windows will experience a negligible impact just below the BRE criteria, resulting in a negligible sunlight impact.

## 21-28 Brook Avenue

121. Aside from 25 Brook Avenue (which constitutes a small block of flats), the remaining addresses along this part of Brook Avenue serve individual dwellinghouses. These properties will be addressed one by one, starting with no. 28, which is immediately adjacent to Pearce House.
122. 28 Brook Avenue is a two storey detached dwellinghouse located across from the development on the south western side of Brook Avenue. The building would directly face block B of the development proposal. 5 windows serving three rooms across ground and first floor face the development. The testing indicates significant reductions in relation to VSC testing although negligible reductions in terms of the

NSL testing with all three rooms retaining at least 80% of the daylight distribution to their areas. The primary living room at ground floor will retain 90% daylight distribution to its room area. Furthermore, this property has an equally prominent rear facing aspect, which receives the majority of the sunlight to this property given its orientation and which would not be affected by the proposal. In terms of sunlight, none of the windows are relevant for testing given their orientation, aside from the south west facing side element to the bay window which returns a major adverse result. However, this is only one window within the bay and it is located beneath a canopy which restrict access to sunlight.

123. 27 Brook Avenue is a two storey semi-detached dwellinghouse adjacent to no. 28. It would directly face the open space in between blocks A and B of the development. 4 windows serving two rooms across ground and first floor face the development. The testing of these windows indicates a major adverse VSC scenario for 3 windows and a moderate adverse VSC scenario for the remaining window. One of the rooms will pass NSL testing whilst the other will see a minor breach, retaining a 70% NSL figure versus the 'pass mark' of 80%. Furthermore, this property has an equally prominent rear facing aspect, which receives the majority of the sunlight to this property given its orientation and which would not be affected by the proposal. In terms of sunlight, none of the windows are relevant for testing given their orientation, aside from the south west facing side element to the bay window which returns a major adverse result. However, this is only one window within the bay and it is located beneath a canopy which restricts access to sunlight
124. 26 Brook Avenue forms the other half of the semi-detached pair shared with no. 27 and would directly face the open space in between blocks A and B of the development. 6 windows serving four rooms across ground and first floor face the development. The testing of these windows indicates a major adverse VSC scenario and a moderate NSL impact scenario. Three of the rooms will pass NSL testing whilst the other on the ground floor would see a minor breach, retaining a 70% NSL figure versus the 'pass mark' of 80%. Furthermore, this property has an equally prominent rear facing aspect, which receives the majority of the sunlight to this property given its orientation and which would not be affected by the proposal. In terms of sunlight, none of the windows are relevant for testing given their orientation, aside from the south west facing side element to the bay window which returns a major adverse result. However, this is only one window within the bay and it is located beneath a canopy which restricts access to sunlight
125. 25 Brook Avenue is a three storey block of flats adjacent to no. 26 and would directly face block A of the development. 9 windows serving 9 rooms across ground, first and second floors face the development. The testing of these windows indicates a major adverse VSC scenario to all windows. It is noted that 8 of the 9 affected windows serve bedrooms, which the BRE acknowledges can be considered less sensitive rooms compared to living rooms, kitchens and dining rooms. The NSL testing sees five of the rooms passing the BRE criteria with the remaining four (all bedrooms) not passing but retaining a view of the sky across c. 45% to 65% of their room area. None of the affected windows are oriented within 90 degrees due south and sunlight testing is not warranted for this property.
126. 24 Brook Avenue is a two storey detached dwellinghouse and would directly face the vehicular access at the edge of the development site, between block A and 51 Brook Avenue. 5 windows serving 2 rooms are relevant for testing. The VSC testing to three of these windows falls short of BRE standards although will retain VSC values of over 21% (versus the 27% 'pass mark'). Importantly, each of the two rooms benefits from one window which does pass the VSC testing (in excess of 27%) and therefore will still retain a source of light which meets BRE criteria. The two rooms will pass NSL testing, with each room retaining visible sky from about 97% of the room area. None of the affected windows are oriented within 90 degrees due south and sunlight testing is not warranted for this property.
127. 23 Brook Avenue is a detached bungalow dwellinghouse and would not directly face the development site, instead directly facing 51 Brook Avenue to the west of the development site. 1 window serving a ground floor room is relevant for testing. The window falls short of BRE standards for VSC testing but will retain more than 20% VSC overall, which is considered to be commensurate with an urban environment. The room the window serves will meet the NSL criteria, retaining a view of the sky to about 93% of the affected room. None of the affected windows are oriented within 90 degrees due south and sunlight testing is not warranted for this property.
128. 22 Brook Avenue is a detached bungalow dwellinghouse and would not directly face the development site. 2 windows serving 2 ground floor rooms are relevant for testing. One of these windows will meet BRE criteria whilst the other would marginally fail, seeing slightly less than 0.8 times its former value, which is considered negligible when compared against a compliant scenario. Both rooms would meet BRE guidelines in respect of NSL, retaining daylight distribution across 90% of their room areas. None of

the affected windows are oriented within 90 degrees due south and sunlight testing is not warranted for this property.

129. 21 Brook Avenue is a detached two storey dwellinghouse and would not directly face the development site. 11 windows serving 5 rooms across ground, first and second floor are relevant for testing. Ten of these windows would be fully compliant with VSC testing although one of these windows would see a VSC value that is about 0.76 times its normal value, which falls slightly short of the 0.8 'pass mark'. Importantly, the living room this window serves is served by 3 mitigating windows that all fully comply with VSC and achieve a VSC value in excess of 27%. As such, the living room as a whole will meet the BRE guidelines for NSL and retain over 98% daylight distribution to the room area. The remaining four rooms will also fully comply with the BRE guidelines for NSL. 2 windows are within the orientation where a sunlight test is relevant. Both of these windows full comply with the APSH criteria in this respect.

#### 51 Brook Avenue

130. 51 Brook Avenue is a three storey semi-detached dwellinghouse and sits immediately adjacent to the site's western edge. The dwelling's eastern flank wall would directly face the site and contains 2 secondary windows. 4 dual aspect rooms served collectively by 10 windows are relevant for testing, these windows are positioned across the front, rear and flank elevations. The 2 side windows which face block A will see non-compliant VSC testing, however these windows are secondary side windows. The remaining 8 windows will meet VSC testing criteria. All 10 windows will meet NSL testing criteria, retaining at least 96% daylight distribution across their room areas. Two of the windows are relevant for sunlight testing and both of these windows retain APSH and WPSH values in excess of the BRE guidelines.

#### Smith House

131. Smith House is an 8 storey block of flats to the north west of the application site. The building's south eastern flank wall would directly face the site. 83 windows serving 44 rooms have been assessed for daylight criteria within this building. 5 of the 83 windows will fall short of VSC criteria, these windows serving either less sensitive bedrooms or living rooms that benefit from multiple mitigating windows that fully comply with BRE criteria for VSC. The remaining windows will remain BRE compliant in terms of VSC criteria. Just one room of the 44 rooms tested would experience a resultant NSL value less than 0.8 times that of the existing value, with the breach of the 0.8 benchmark being marginal. All remaining rooms would remain fully compliant with BRE criteria for NSL. 75 windows are relevant for sunlight testing, 2 of these 75 windows would see an alteration below the BRE criteria for annual probable sunlight hours, both serving less sensitive bedrooms. It is noted that these two affected windows already have an APSH level below 25% in the existing scenario. The 73 remaining windows would meet or exceed BRE expectations for sunlight impact.

#### Best House

132. Best House is an 8 storey block of flats to the north west of the application site, of very similar design to Smith House it is located farther from the application site than Smith House. The building's south eastern flank wall would directly face Smith House, and beyond Smith House, the development site itself. All of the windows and rooms serving Best House will meet or exceed BRE guidelines for VSC and NSL considerations, as well as BRE expectations for sunlight impact.

#### Overshadowing to neighbour outdoor amenity spaces

133. The applicant's daylight and sunlight analysis includes a section that has considered nearby outdoor amenity spaces which would be overshadowed by the proposed development and the extent to which these spaces would lose direct sunlight. Four amenity spaces have been identified as those which would be affected by the development in this respect, these being: The outdoor recreation area at Ark Academy Wembley to the north, the outdoor amenity space serving the Matthews Close development between Smith House and the development site, the rear garden serving no. 50 Brook Avenue and the rear garden serving no. 51 Brook Avenue.

134. The BRE test for overshadowing is passed if at least 50% of the area of the amenity space affected retains at least 2 hours of direct sunlight exposure on the 21<sup>st</sup> March. A secondary test has been carried out to compare performance against this target with the summer solstice target (21<sup>st</sup> June), which would reflect a comparative summer time level of sunlight when the amenity spaces are most likely to be used.

135. The Ark Academy Wembley recreation space and the outdoor amenity space serving the Matthews Close development meet the 21<sup>st</sup> March BRE test for overshadowing and are considered to retain a good level of sunlight throughout the year. Conversely, the gardens to 50 and 51 Brook Avenue will fall short of the BRE target, although the garden at no. 50 will meet this standard on the 21<sup>st</sup> June test.
136. Overall, just two residential gardens will experience a non BRE-compliant scenario for sunlight as a result of the development. One of these gardens will experience good levels of sunlight exposure during the summer period.

### Summary

137. The daylight and sunlight analysis indicates a notable impact to buildings lining the South West side of Brook Avenue in terms of losses to the Vertical Sky Component. This impact somewhat reflects the very open and undeveloped nature of the car park site at present, however these properties do return a reasonable performance in terms of the No Sky Line testing given the separation between the sites and the gaps between the proposed blocks. The properties perform strongly against sunlight criteria with all the sensitive settings being to the south and west and none to the north. Given the urban setting, town centre location, growth area designation and the local site allocation anticipating a significant increase in density, it is considered that the impact of this development in daylight and sunlight terms should be accepted.

138. Overall, it is considered that the daylight and sunlight impact of the development will be acceptable when weighed against the benefits the development would bring to the area. Officers acknowledge that the BRE guidance for daylight and sunlight identifies appropriate visual amenity baselines in suburban locations and that the guidance needs to be considered with a greater degree of flexibility in this growth area location on the edge of a major town centre. Furthermore, it is noted that the NPPF, at paragraph 123, states that “when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”. The fact that both sides of Brook Avenue form a site allocation for re-development within Wembley’s growth area is acknowledged, and this has reasonably increased the degree of the flexibility that should be applied to the guidance in this respect and would result in it being less likely for the impact identified above to be a long term impact.

### Transport and Highways

#### Car Parking

139. The proposals involve the loss of the public car park and rebuilding of the TCA, along with a re-provision of their 40 car parking spaces (2 of which are disabled bays), the re-provision of the existing 12 public disabled bays and the provision of 14 residential disabled bays.
140. The loss of the public car park is supported as the provision of it currently provides an incentive to drive. Transport policies within the emerging local plan encourage sustainable modes of transport, especially in locations with good public transport links and this proposal would accord with that aspiration. A survey of car park users indicated that 65% were going to catch a train from Wembley Park Station and that over 50% of users travelled to the site from within Brent, with many residing within walking distance. Driving to the station from beyond the Borough is not welcomed, whilst it is considered that the loss of the car park would result in Brent’s own residents undertaking of the whole of their journey by public transport (although this would be subject to effective car parking controls within the vicinity of the station).
141. The re-provision of 12 public disabled bays is considered necessary though, to ensure that those that do need to drive to the station are still able to do so. It should also be noted that these 12 spaces would still be located in the area closest to Wembley Park Station.
142. The provision of 14 disabled residential bays accords with the minimum requirement for 3% of housing units to be provided with a disabled car parking space from the outset and is therefore acceptable. Should disabled car parking at a level above this (up to 10% if demand requires) be required, it is noted that space would exist along Brook Avenue for on-street parking bays. Furthermore, it should also be stipulated that only blue badge holders can occupy disabled spaces.

143. As the site is in an area of excellent PTAL, the provision of only disabled parking for the residential element of the development is in principle acceptable, as it accords with maximum car parking allowances. However, consideration needs to be given to the potential for any overspill car parking that could take place and it is recommended that a contribution for a CPZ of £100,000 be made through a Section 106 legal agreement to implement a CPZ within the vicinity of the site. A legal agreement obligation will ensure that none of the residents of the proposed development (except blue badge holders) will be eligible to apply for parking permits in either the existing Wembley Stadium event day CPZ or any future year-round CPZs that are introduced in future is also required.

144. The third component of the car park is in the form of the re-provision of the existing 40 car parking spaces which are specifically allocated for use in connection with the TCA facility and transport operations. Compared to the existing provision, the disabled car parking for the TCA is proposed to reduce from 3 spaces down to 2 spaces and the standard car parking spaces would increase from 37 to 38 spaces. Whilst there are concerns about the retention of this level car parking, it is understood that the parking requirement is bespoke to London Underground operations. The applicants have set out that the number of spaces for the TCA corresponds with the number of staff/drivers who would need to travel to/from the station prior to 7am or after 11pm (outside of normal train operation times) and therefore would not be able to benefit from arriving at the station by using its train services.

145. TfL consider that the ramped access points to the car park should be subject to a Stage 1 Road Safety Audit. Brent's highways officers do not consider this to be necessary as the ramped accesses comply with design guidance, however a greater level of detail of the ramps, in particular the detailed design of the segregated ramp for pedestrian and wheelchair users shall be the subject of a planning condition.

#### Cycle Parking

146. The minimum long-stay cycle parking requirement in accordance with the emerging London Plan is 769 spaces. The proposals include the provision of 778 spaces located in 7 separate stores and in terms of quantity, this is acceptable.

147. The Transport Assessment indicates that the cycle parking would be provided by a mix of wall-mounted stands (5 in total), two-tier stands and 3-tier stands. The cycle storage has been reviewed by TfL's transport planning officers and is considered to offer an acceptable standard of usability.

148. With regards to the long-stay cycle parking for employees, 16 spaces are proposed to be located outside the main entrance. The cycle storage has been reviewed by TfL's transport planning officers and is considered to offer an acceptable standard of usability.

149. For short-stay bicycle parking, 21 'Sheffield' stands (42 spaces) are proposed along the site frontage, in accordance with London Plan standards for the flats (12 spaces) and offices.

#### Refuse

150. The proposals provide Eurobins (each with a capacity of 1,100l) at a level of 41 for the recyclable waste and 41 for residual waste, plus 44 wheeled bins for organic waste. This would be in excess of the required standards. The store is laid out with Eurobins stationed one behind the other, although the applicant has confirmed that the facilities team on site will move the full bins to the rear and empty bins to the front as and when required. A management plan for the operation of the bin stores will be secured by condition.

151. All residential refuse stores have direct access to the frontage which allows refuse vehicles to wait on the street within 10m of the stores except for Block A. Block A's waste storage access is approximately 10.5m from the kerbside, 0.5m above the maximum drag distance in Brent's guidance. This is considered to be a minimal departure from the guidance and is therefore acceptable.

#### Delivery and Servicing

152. Originally, two 2.5m wide on-street loading bays were proposed. These bays did occupy a significant area of footway though and Brook Avenue is wide enough to accommodate kerbside parking, which would be less obstructive to the footway. Given the feasibility of this alternative solution, the loading bays have been removed from the proposal.

153. An outline Delivery and Servicing Plan has also been included within the appendix of the Transport

Assessment. The submitted plan is considered to be acceptable although it will need to be updated to incorporate the omission of the loading bays from the plans. A condition will apply to this end.

### Active Travel Zone

154. The Transport Assessment includes an Active Travel Zone assessment, which is part of TfL's Healthy Streets Assessment. It assesses the quality of pedestrian and cycle links from the development site to points of interest, such as schools, shops and health centres.
155. The assessment suggests a number of improvements, all of which have been considered by Brent's highways officers.
156. Highway officers have confirmed that there are no necessary highway improvement schemes within the vicinity that do not already have funding allocations and as such, a contribution towards local highway improvements cannot reasonably be sought in this instance.
157. It is acknowledged in the Transport Assessment that Brook Avenue is on the route of a new cycle quiet way as part of the strategic cycle network. This is a public realm and active travel project which has been devised in advance of the planning application submission and has been identified within through the infrastructure delivery plan for funding through CIL. As this scheme incorporates new public realm, it is not considered necessary for it to contribute towards these works. Nonetheless, the scheme will not prejudice the delivery of this project.
158. The Design and Access Statement sets out indicative improvements to the Olympic Square space to the south east of the development site, including a more inviting public space and changes to the adopted highway layout. These improvements do not formally form part of the proposal and sit outside of the application site area. Officers conclude that it is not necessary for this scheme to contribute towards the improvement of Olympic Square through a bespoke contribution and that this could instead be delivered through CIL payments, should the Council consider that this is an appropriate project for CIL to be spent on. Nonetheless, given that the level of amenity space in the scheme falls short of the requirements set out in adopted policy DMP19 and emerging policy BH13, officers have required this scheme to contribute towards the improvement of nearby open spaces, as detailed in the discussion of the quality of accommodation above.

### Travel Plan

159. A Framework Residential Travel Plan has been submitted. The Framework Travel Plan should include all uses on the site and as the Redeveloped TCA would be a significant trip generator, this should be included too. The submission of a workplace travel plan to cover this aspect will be required as a Section 106 obligation and this has been agreed in principle by the applicant.
160. With regards to the submitted Residential Travel Plan, a Travel Plan Co-ordinator needs to be identified as soon as possible and in the meantime an interim Travel Plan Co-ordinator would need to be identified. A full Travel Plan is intended to be submitted prior to determination which will include this information these needs to be included within the Section 106 agreement.
161. The measures proposed are minimum requirements according to the London Plan and are not sufficient measures for a successful Travel Plan. As well as providing information and these minimum requirements, Travel Plans should include incentives to use sustainable transport and this comes at a cost which needs to be acknowledged.
162. The full Travel Plan submitted through the S106 will need to include a good suite of measures to promote non-car based travel and the S106 obligation will require this, as well as a direct requirement for membership of a local car club to be paid for on behalf of all residents.
163. One of the measures proposed is the provision of a Car Club space located in an inset parking bay. It should be noted that Brook Avenue currently has Car Club bays for the adjoining Matthews Close development, which are currently unoccupied following the withdrawal of the operator. It is not clear from what has been submitted whether discussions with Car Club operators have taken place to determine the level of demand, but the existing bays would be a preferable location to serve both sites and these should be used in preference to a further inset bay. Further information regarding the outcome of discussions with Car Club operators is therefore required and should be clarified within the full Travel Plan.

164. Another measure is the creation of a bicycle user group. This in principle is welcomed, but it only works if the group has access to a budget which they can use to implement changes the group identifies. The Full Travel plan will need to include details of a budget for the bicycle user group.

165. The baseline targets should be based on the Transport Assessment trip generation figures, which although this Travel Plan does include, it is caveated that the targets would change based on the results of the first actual survey. This should only be done in exceptional circumstances and the full Travel Plan will require that the trip generation figures continue to be used.

### Transport Impact

166. A survey of the existing public car park (94 spaces) was undertaken on a weekday in February 2020 and showed 45 cars arriving during the AM and 23 cars leaving during the PM peak, with around 200 cars entering and leaving using the car park during the day.

167. The proposed residential trip generation for the main transport methods following the occupation of the scheme is as follows:

168. Tube: 92 outgoing trips and 14 incoming trips in the AM peak + 26 outgoing trips and 49 incoming trips in the PM peak. 494 outgoing and 494 incoming trips across a day.

- Bus: 35 outgoing trips and 5 incoming trips in the AM peak + 10 outgoing trips and 19 incoming trips in the PM peak. 189 outgoing and 189 incoming trips across a day.
- Car : 5 outgoing trips (3 as driver, 2 as passenger) and 1 incoming trip (as driver) in the AM peak + 2 outgoing trips (1 as driver, 1 as passenger) and 4 incoming trips (3 as driver, 1 as passenger) in the PM peak. 37 outgoing and 37 incoming trips across a day (26 as driver, 11 as passenger).
- Cycle: 79 outgoing and 79 incoming trips across a day.
- On foot: 105 outgoing and 105 incoming trips across a day.
- Aside from the bus services which are acknowledged as being at capacity within Wembley, there are no concerns with the capacity of the existing transport infrastructure in accommodating these new trips. Transport for London has requested a financial contribution to enhance local bus capacity and this will be secured within the S106 agreement.

### Construction Logistics Plan

169. The applicants have submitted a Construction logistics plan and the proposals include loading from the carriageway which would require the footway to be suspended. Temporary barriers are proposed to be put in place on the carriageway when a construction vehicle is on site with them being removed when the construction vehicle leaves. This in principle is acceptable, however, a long stretch of Brook Avenue (approximately 130m) will be taken up and limited detail of the management of general traffic along Brooke Avenue has been submitted. It is expected that this would reduce the ability for 2 cars to pass each other and so would require some form of traffic management through the use of signals to control this, whilst the long stretch would lead to long periods of waiting and this should be minimised.

170. Revised construction logistics to address these matters will be required by condition.

171. The construction logistics plan indicates that the existing staff car parking will remain throughout the duration of the works, however, no information has been submitted on what will happen to the public disabled car parking during the construction period and this should be considered as the priority for retention. The applicants have set out that they will not be able to accommodate public disabled car parking within their development site during construction and officers will therefore require a suitable temporary solution for providing public disabled parking for the station during the construction period. This is discussed further under the 'Equalities' subheading below.

### Sustainability

#### Carbon Savings

172. The applicant has included an Energy and Sustainability Statement. Policy 5.2 of the adopted London Plan and draft policy SI 2 of the Intend to publish London Plan require major developments to achieve carbon savings beyond the requirements of Building Regulations. These are referred to as 'be lean'

(fabric efficiency), 'be clean' (clean source of energy supply) and 'be green' measures (use of renewable energy technologies). A zero carbon development is ideal, however the policies allow for a minimum of 35% improvement beyond minimum Building Regulations requirements with the remaining regulated carbon emissions being financially offset instead. At least 15 points of the 35 point minimum saving must be from 'be lean' for this development, which incorporates both domestic and non-domestic elements.

173. The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated is confirmed to emit 188.14 regulated tonnes of Carbon Dioxide per annum, which is down from a baseline emission of 439.31 tonnes per annum. This equates to a 57% reduction on the minimum building regulations (2013) as required within the London Plan, although does not achieve the zero carbon goal and as such requires an offset payment. The offset payment shall cover a 30 year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment will be secured through a legal agreement to any forthcoming consent. With the modelling provided, a payment of £338,652 would be secured for this purpose.

174. The details of the carbon savings measures are as follows:

Be Lean (total savings from 'be lean': 69.8 tonnes / 15.9%)

- High insulation standards
- Envelope air tightness
- Well planned floor layouts to minimise the need for artificial lighting
- High efficacy lighting
- Natural ventilation and passive design measures through openable windows and night-time cooling
- Mechanical ventilation to remove heat from the building during summer

Be Clean (total savings from 'be clean': 0 tonnes / 0%)

- No measures

Be Green (total savings from 'be green': 181.37 tonnes / 41.3%)

- Use of air source heat pumps to provide 70% of the residential energy demand and 100% of the commercial energy demand

175. The GLA has reviewed the carbon savings energy strategy. The approach to energy is generally supported, however the GLA considered that further information should be provided in relation to the non-domestic Be Lean target, overheating, future-proofing for connection to district heating, PV and heat pumps. The GLA have since agreed that these aspects would be picked up prior to completion of Stage 3 detailed design works since they are addressed at a more detailed design stage.

BREEAM

176. Brent's adopted CP19 policy and draft BSUI1 policy require all major non-residential development (i.e. non-residential floor space in excess of 1,000sqm) to achieve a BREEAM standard of 'Excellent'. The proposal contains 3,033sqm of non-residential floor space, 2,921sqm of which is comprised of the TCA and 115sqm of which is comprised of a retail unit. The applicants have confirmed that the TCA (96.3% of the non-residential floor space) has been designed to achieve a score of 70.8% (BREEAM 'Excellent'), in line with the policy requirement. The S106 agreement will include a requirement for a BREEAM post assessment to be submitted in securing this achievement. The applicants have set out that the retail unit (3.7% of the non-residential floor space) has not been designed to target a BREEAM 'Excellent' rating, given that the requirements would be disproportionately costly and cumbersome in the context of the small size of the unit. Given the fractional size of the retail unit in comparison to the overall non-residential floor space which will achieve BREEAM 'Excellent', and when considered alongside other sustainability benefits secured through the scheme (including a significant improvement on the minimum carbon savings requirement of 35% in the above section), this justification can be accepted and it is considered that the proposal remains acceptable.

Environmental Health

Air Quality

177. An air quality assessment considering the impacts of the proposed redevelopment of the site on air

quality has been submitted. The development sits within one of London's air quality management areas and the requirements of adopted London Plan policy 7.14 are relevant, requiring major developments to be at least 'air quality neutral' in such areas.

178. The submitted report has considered the impacts that would be incurred during the construction phase and during the operational phase.

179. Under best practice guidance, the proposed development will constitute a medium risk for construction dust and dust generation is likely to be the main impact associated with construction. A series of mitigation measures are proposed which would form part of the construction management plan for the development. The mitigation will be achieved through the measures set out in the Air Quality & Dust Management Plan (AQDMP), which will be implemented through the Construction Environmental Management Plan, discussed within the construction management section below. The air quality report includes an air quality neutral assessment which concludes that the building emissions from the proposed development are within the benchmarked emissions, fully meeting air quality neutral requirements. The methodology set out in the air quality report will be secured by condition and is supported by Brent's Environmental Health officers.

### Noise and Vibration Impact

180. The site sits adjacent to railway land to the north, specifically Wembley Park Station served by two London Underground lines and the Chiltern Railway. Flats with northern aspect will have views across the railway although the balconies to these flats will be provided on the eastern and western elevations so as to soften the relationship between the railway and the residential units.

181. The railway will be a significant local source of noise and it will be necessary for the applicants to undertake a noise and vibration study to ascertain the noise impact on the new residents, and, based on the findings, to potentially propose a programme of mitigation.

182. The applicants have submitted a noise and vibration assessment and it has been confirmed that noise and vibration levels will be within acceptable standards. With respect to the external amenity spaces, the worst-case scenario locations for noise are at the lower levels of the southern elevation, where noise levels at the balconies will be up to 5 dB over the ideal criteria outlined specified through British Standards, ProPG guidance and World Health Organisation guidelines. The majority of the balconies at the east and west elevations, and also the balconies at the upper levels of the southern facade are predicted to be within the acceptable 50 – 55 dB criteria. Internally, the noise survey results have informed the glazing specifications for the flats to ensure internal environments with comfortable noise levels.

183. Detailed vibration measurements have been undertaken at the proposed development site. The vibration measurements have been analysed on an empirical basis to yield likely levels of tactile vibration and re-radiated noise within the proposed blocks. The assessment indicates that levels of tactile vibration are comfortably below the maximum criteria, and that re-radiated noise levels can be controlled to suitable levels with the use of pile barrier/trench, or via whole-building isolation.

184. A condition will require that the recommendations set out in the noise and vibration report are adhered to in full.

185. A new substation is proposed to the west of Block A at the western edge of the site. As the substation will be located within 10m of the residential properties at 50 and 51 Brook Avenue, officers in Environmental Health have advised that a condition is required to ensure compliant with relevant standards for electromagnetic radiation (EMF) and noise/vibration and this has been applied.

### Construction Management

186. The development is within an Air Quality Management Area and located very close to residential premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. The applicant has submitted a construction management plan and this does advise of dust and noise controls as well as the piling being CFA piles. The details set out in the construction management plan are largely agreed, however a condition governing the need for non-road mobile machinery to meet reasonable emission limits has been recommended to be applied to the decision.

187. Furthermore, details relating to certain aspects are considered scant or missing and a condition will require that a revised management plan is submitted to provide appropriate detail of the construction methodology in respect of this.

#### Contaminated Land

188. The site has a history of non-residential and car parking uses, as such it is possible that the soil below the site is contaminated. A desk based assessment of land contamination at the site has been submitted with the application and has been reviewed by environmental health officers. Conditions are recommended requiring an investigation of land contamination to be carried out following demolition of the buildings on site. The findings will need to be submitted to the Council through a condition. Based on the findings, a remediation strategy may be necessary and a condition will require that the means of remediation are demonstrated.

#### Odour

189. The proposed development will have a flexible commercial unit on the ground floor. The suite of uses that would be approved include restaurant use and a condition requiring details of the extraction of the odours associated with cooking to be submitted will be applied, to ensure that the means of extraction will not interfere with residential amenities. This condition will only be triggered in the event that the commercial unit comes forward with a restaurant use.

#### Lighting

190. Any new lighting at the proposed site should be installed considering existing homes and buildings. The new development must not give rise to light or other nuisance to nearby residents. A condition will require that, should external lighting be installed, details of the lighting, including a measure of lux levels, is submitted and approved by the Council.

#### Microclimate

191. A microclimate assessment has been submitted by the applicant.

192. Initial wind tunnel testing was undertaken with the known large landscaping surrounding the site in place, devoid of any proposed landscaping to present a worse-case scenario.

193. Wind conditions at the ground floor level in the context of the existing surrounding buildings and cumulative buildings would generally be suitable for the intended use, however, there would be instances of strong winds and winder conditions than would be suitable for the intended use at the car park access ramp and at podium, terrace and balcony locations.

194. A wind mitigation workshop was carried out to assess the effectiveness of the proposed landscaping scheme and develop wind mitigation options to improve wind conditions and to eliminate any occurrence of strong winds exceeding 15m/s for more than two hours at the Proposed Development.

195. With the proposed landscaping and mitigation options in place and secured by a suitably worded planning conditions, conditions at ground floor level would be suitable for the intended use during the windiest season, and conditions at ground, podium, terrace and balcony levels would be suitable for the intended use during the summer season in the context of both the existing and cumulative surrounding buildings, provided seating provisions are located in the areas suitable for sitting use.

196. In the context of existing and cumulative surrounding buildings, there will be no instances of strong winds exceeding 15m/s for more than 0.025% of the time with the inclusion of proposed landscaping scheme and mitigation measures.

197. The wind mitigation measures are formed of shrub planting and porous balustrade installation to act as appropriate wind buffers in the key locations identified through modelling. The full schedule of measures is identified on page 23 of the report.

198. A condition will secure that the recommendations contained within this report are delivered.

#### Flooding and Drainage

199. The site falls within flood zone 1 of the Environment Agency's flood designations (the lowest flood

risk). Nonetheless, given the scale of the proposal the applicant has submitted a report addressing flood risks of the development. The GLA are satisfied that the flood risk management approach complies with London Plan Policy 5.12 and Policy SI12 of the Mayor's intend to publish London Plan.

200. In terms of measures to reduce surface water drainage rates at the site, green roofs and geo-cellular attenuation tanks with flow control devices are proposed. This approach generally satisfies the requirements of London Plan Policy 5.13 and Policy SI13 of the Mayor's intend to publish London Plan. The sustainability statement indicates that the proposed dwellings would have a maximum indoor water consumption of 105 l/person/day in line with the optional standard in Part G of the Building Regulations, and compliant with Policy 5.15 of the London Plan and Policy SI5 of the Mayor's intend to publish London Plan. A condition will require that the measures in this report are adhered to.

201. Thames Water have reviewed the proposal and note that the development is close to subsurface Thames Water assets, including strategic sewers. A condition requiring a piling method statement to be submitted and approved in consultation with Thames Water prior to piling is to therefore be secured.

### **Ecology and Biodiversity**

202. The site immediately adjoins a wildlife corridor to the north (alongside the railway, although not where it adjoins the Wembley Park Station platforms on the eastern side of the site). Brent Policy DMP8 and London Plan policy 7.19 require that developments pay due regard to the ecological value of such protected spaces.

203. A biodiversity net gains report, a preliminary ecological assessment and a BREEAM ecology assessment have all been submitted in addressing this policy requirement.

204. The existing site has very low biodiversity value, with poor amenity grassland and moderate quality street trees offering the only current contribution towards biodiversity on site. Accordingly, the site is considered to be of low ecological value, supporting no notable and/or protected habitats aside from that of nesting birds.

205. The proposed scheme will incorporate new street trees, amenity grassland, green roofs, shrubs, lowland meadows and hedgerow to contribute to the overall increase in biodiversity units. Proposed habitat creation within the scheme includes 0.06 ha of amenity grassland, 0.0045ha of wildflower meadow, 0.07ha of introduced shrub and herbaceous planting and 0.115ha of green roof. There will also be 22 new trees planted on site and 0.18km of native hedgerow. The proposals stand to result in a net gain of 1.36 area based biodiversity units compared with pre-development value. This is equivalent to a total net increase of 1360% in ecological value. Additionally, there will be 0.76 linear based biodiversity units post development.

206. In terms of specific mitigation and enhancement measures, mitigation measures to avoid impacting nesting birds have been recommended. Furthermore, habitats which likely support commuting and foraging bats, such as the railway lines to the immediate north, are considered to be within the likely zone of influence of the development and also form part of the designated wildlife corridor. Mitigation measures to ensure the value of these habitats remain are recommended. The key mitigation recommendations are as follows:

207. Removal of Vegetation outside of the nesting bird season (taken to run from March to August, inclusive) unless active nests are confirmed absent by an ecologist prior to removal;

208. Measures to limit additional light disturbance so to maintain the foraging value of habitats in the zone of influence of the development;

- Removal of Buddleia from site and actions taken in order to prevent its spread.
- The key enhancement recommendations are as follows:
- Tree, shrub, herbaceous and hedgerow planting of value to wildlife;

209. Provision of areas of wildflower meadow integrated into the proposed areas of amenity grassland;

- Use of biodiverse green roofs on areas of flat roofs;
- Provision of habitat for invertebrate species;

- Provision of integrated bird boxes.
- Providing these recommendations be adhered to, the proposals stand to be compliant with legislation and current planning policy. A condition will require that the recommendations of the ecological reports are adhered to in full.

### **Fire Safety**

- Fire Safety is formally considered at Building Regulations stage, however the applicants have clarified a fire safety strategy within their planning submission as follows.
210. Each building will be provided with an automatic water fire suppression system (AWFSS) and all cores will have dry risers with the cores in blocks D and E having wet risers above a height of 50 metres.
211. Each building will be provide with fire detection and alarm systems and a mechanical smoke extraction system at parts of corridors which are more than 15 metres from the stairwells.
212. Wall and ceiling linings will meet relevant British Standard recommendations in terms of limiting internal fire spread. All of the elements of the structure of the building will be 120 minutes fire resistant. Compartment floor construction will be used, ensuring that penetrations to floors will be adequately fire stopped.
213. External fire spread is unlikely to be an issue given the location and siting of the blocks, aside from some limited facades on the south east elevation of Block E. Materials for external walls are to be of suitable European fire classification to limit spread.
214. Each core serving the residential levels is to be provided with a firefighting shaft, firefighting lift and rising fire mains. The firefighting shaft is to be enclosed by construction offering a minimum of 120 minutes of fire resistance.
215. The car park is to be ventilated via assisted natural ventilation, impulse fans are included to supplement the lack of cross ventilation.
216. Fire service access to the commercial units should be within 45 metres to the most remote point.
217. Based on the above proposals, it is envisaged that the proposed project will meet the relevant Building Regulations with regard to Fire Safety.
218. In addition to the fire strategy, the applicants have submitted a ventilation and extraction report which sets out the different means of ventilation across the development.
219. The GLA has confirmed within their Stage 1 response that the fire strategy submitted meets the requirements of Policy D12 'Fire Safety' within the intend to publish London Plan (2019).

### **Unexploded Ordinance**

220. The applicants have submitted an unexploded ordinance survey to consider the likelihood of unexploded ordinance being present below the site surface. This could have significant implications for the scheme, particularly at construction stage.
221. Based on unexploded ordinance databases, the site was considered to have a medium risk for potential unexploded ordinance dating from World War II as Brent sustained an overall high density of bombing during this time. As a result, further research was undertaken to clarify if any unexploded ordinance would pose a risk in the context of future ground works. No bomb strikes were recorded within 50m of the site on the London ARP bomb census map but it is acknowledged that it is possible bombs fell in the area after the main Blitz period, given the high density of bombing recorded over the region. A detailed assessment into this relying on more detailed sources from the era is recommended.
222. This more detailed report has been submitted with the application and sets out a number of mitigation measures to be undertaken prior to and during construction. The details of this report will be required to be implemented through a planning condition to ensure the risks of unexploded ordinance is minimised.

## **Basement Impact**

- 223.** A localised basement is proposed at the site below Block E, which would be 4.6m deep and set back by 5m from the nearest neighbouring property. It is considered that the proposed basement will not adversely affect groundwater flow or surface water flow and flooding and can be constructed such that it would generate negligible risk to neighbouring properties.
224. The basement is modest in size given the scale of the development and the proposal is not considered to contravene any requirements of Brent's Basement Supplementary Planning Document (2017).

## **Overheating**

- 225.** The applicants have submitted an overheating assessment which indicates that the proposed development would meet all relevant requirements in achieving a good thermal comfort performance for prospective residents, as well as in the TCA and the retail unit.
226. The overheating performance has been achieved through passive design measures such as energy efficient lighting and appliances, improved building fabric, glazing with improved solar factors, external overhangs through balconies to shade lower flats, internal shading to bedroom and kitchen areas as well as a combination of natural and mechanical ventilation aspects.

## **Television and Radio Reception Impact**

- 227.** The National Planning Policy Framework (NPPF) (2019) states, at para 114, part b that "[Local Planning Authorities] should ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services".
228. The applicants have submitted a Television and Radio Reception Impact assessment to consider the potential impacts that the development could have on local TV and radio signals. Three different signals have been assessed as follows:
229. Digital Terrestrial Television (DTT) – Freeview signals may be disrupted within 50 metres to the North West of the site. This would include a small number of properties along Brook Avenue given their proximity to their development. The assessment has set out a mitigation solution as either antenna betterment or antenna relocation to a new position where the view to the Crystal Palace transmitter is less obscured by the new development. Once any interference has been verified, a television signal engineers would be able to implement the optimal solution if it is required.
230. Digital Satellite Television – Freesat & Sky signals may be disrupted within 141 metres to the North West of the site. Satellite dishes are present in this area, including on the rooftops of 51 and 52 Brook Avenue. The assessment has set out a mitigation solution as satellite dish repositioning to a clear line-of-sight path to restore optimal reception. Once any interference has been verified, it is advised that a registered Confederation of Aerial Industries (CAI) antenna installer undertakes any required work.
231. FM Radio signals are unlikely to be adversely impacted due to the existing good coverage in the survey area and the technology used to encode and decode radio signals.
232. Overall, some minor short-term interference to local television signals (particularly at 51 and 52 Brook Avenue) may occur as a result of this development. A Section 106 obligation will require that the applicant undertakes all mitigation required in addressing any interference.

## **Utilities**

- 233.** The applicants have submitted a report setting out the existing and required utilities for the scheme, including clean water supply, sewer connection, gas, electric and fibre-optic internet. The details of the report are not considered to contravene any relevant planning policies.

## **Equalities**

- 234.** 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. A report to fully consider the impact in this respect has been submitted by the applicant and this has been reviewed by officers. 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).

235. An aspect of the scheme which has the potential to have a detrimental impact on equality of opportunity is the loss of the standard (i.e. non-blue badge) parking from the car park. The impact of the loss of the car park may affect some users of the station more so than others, particularly those who are not necessarily Blue Badge holders but may have other mobility difficulties which mean they are car reliant, for example the elderly or those who are pregnant.
236. As outlined above, twelve disabled parking spaces are proposed to be retained for the use of the station at the eastern end of the site, as required by Transport for London. This reflects the existing disabled parking provision on site at present. These spaces provide step-free access to the Station for users.
237. TfL have made the decision to close the car park (with the exception of the blue badge spaces) to allow the development of this site in line with the Mayor's objective to promote sustainable transport and deliver housing including affordable housing. The provision of the car park is not currently required by any planning condition or obligation and the closure of the car park would not require planning permission. Nevertheless, the proposal involves the development of land that is currently used as a station car park so the potential impacts resulting from the car park's loss on particular groups who may be more car-reliant has been examined, as well as the impacts on parking displacement more generally.
238. The closure of the car park may displace station parking onto surrounding streets. However, in addition to the Wembley Event Day Controlled Parking Zone (CPZ) that currently operates within the area, an all year round Controlled Parking Zone (CPZ) is proposed to be introduced to the local area as a result of this development and wider development within the Wembley Growth area. The CPZ would limit on-street parking to residents' permit holders only, so would protect residents from displaced parking during CPZ hours, particularly by station commuters.
239. It is considered necessary to examine the potential impacts on certain characteristics, including older people, pregnant women or those who feel more vulnerable (particularly late at night) due to their gender or sexual orientation. However, it has been outlined that the Station would still be served by five bus routes as at present (which directly connect the station to Brent Cross, Ealing, Golders Green, Harrow, Kilburn, Wembley Central and Willesden) and there is a taxi drop-off facility immediately outside the Station at the eastern end of Brook Avenue, which provide accessible, alternative means of getting to and from the Station. While there is some reduction in the levels of access for these groups, the loss of the car park (except for blue badge parking) is not considered to result in an unacceptable level of impact on any protected characteristics and would result in a level of access that is commensurate with many other stations.
240. As such, retention of the car park for the station is not considered essential (aside from disabled parking) as it simply encourages Underground users to drive to the station rather than walk, cycle or using the bus. The proposals also accord with both Brent Local Plan policy BT1, and London Plan draft policy T1, which set out overarching objectives to prioritise sustainable modes of travel, with the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. Transport for London have also confirmed that the proposed loss of the car park is acceptable in principle, on the basis that the twelve disabled bays are retained for users of the Station.
241. In terms of disabled use, the re-provision of the blue badges within the car park for users of the Station is considered to mitigate impact. However, additional blue badge spaces may need to be provided on-street during construction. For practical and safety reasons, the applicant has advised that there is not scope to provide disabled parking on site. There is potentially scope to provide temporary blue badge spaces nearby on-street (i.e. on the adopted highway).. The precise location of temporary blue badge spaces would need to be determined closer to the implementation of the scheme, however, options include Wembley Park Drive and Brook Avenue. The provision of temporary on-street parking bays would require a Transport Regulations Order together with change to road markings and signage, the costs of which would be secured through a Section 106 contribution. Furthermore, the condition requiring the submission of a revised Construction Logistics Plan will specifically require the applicants to evaluate the options and feasibility of phasing the areas of adopted highway required for construction logistics (loading etc.) to enable the provision on-street temporary blue badge spaces along Brook Avenue, opposite the application site itself. It is possible that it may not be feasible to re-provide all of the blue badge spaces that are currently available during on a temporary basis throughout the construction period. However, the measures set out above are considered to represent an appropriate strategy to

ensure that the potential impacts are mitigated as much as possible.

242. In summary, there will be some impact to people with protected characteristics, but this impact would be commensurate with the planning policy emphasis on the prioritisation of sustainable transport and the Council's response to the climate emergency, and would be acceptable, on balance. Planning obligations are in place to seek limitation of the impact to equality of opportunity during the construction phase of the development.

### **Conclusion**

243. 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 a Stage II referral to the Mayor, suitable planning conditions and completion of a Section 106 Agreement.

244. The development would provide a suitable and attractive built addition to the Wembley Park growth area in a highly sustainable location and in line with local policy allocation objectives. Whilst the development would exceed the policy expectations in respect of tall buildings as set out in the Wembley Area Action Plan (WAAP) and would incur some level of harm to the daylight enjoyed at neighbouring properties, a balance has to be struck between different planning objectives, and the provision of a significant number of new homes, with significantly more of those homes being secured as affordable units than the Council would deem viable is a significant planning benefit that carries significant weight. Whilst the scheme does fall short on external amenity space standards set out in Policy DMP19 and draft Policy BH13, the quality of accommodation is considered to be very good and this would be mitigated through a financial contribution, and the wider benefits of the scheme including affordable housing, a new retail unit and significantly improved and enlarged public realm. As such, the conflict with adopted and emerging policy is limited and would be outweighed by the wider benefits of redeveloping the site for affordable housing.

245. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to a Stage II referral, conditions and a Section 106 obligation.

## **CIL DETAILS**

This application is liable to pay **£12,193,518.05** \* 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): 1684 sq. m.

Total amount of floorspace on completion (G): 38143.86 sq. m.

| <b>Use</b>                   | <b>Floorspace on completion (Gr)</b> | <b>Eligible* retained floorspace (Kr)</b> | <b>Net area chargeable at rate R (A)</b> | <b>Rate R: Brent multiplier used</b> | <b>Rate R: Mayoral multiplier used</b> | <b>Brent sub-total</b> | <b>Mayoral sub-total</b> |
|------------------------------|--------------------------------------|---|--|--------------------------------------|--|------------------------|--------------------------|
| (Brent) Dwelling houses      | 35009.97                             |   | 33464.33                                 | £200.00                              | £0.00                                  | £9,979,540.38          | £0.00                    |
| (Brent) Shops                | 115.05                               |   | 109.97                                   | £40.00                               | £0.00                                  | £6,558.97              | £0.00                    |
| (Brent) General business use | 3018.84                              |   | 2885.56                                  | £0.00                                | £0.00                                  | £0.00                  | £0.00                    |
| (Mayoral) Dwelling houses    | 35009.97                             |   | 33464.33                                 | £0.00                                | £60.00                                 | £0.00                  | £2,026,057.74            |
| (Mayoral) Shops              | 115.05                               |   | 109.97                                   | £0.00                                | £60.00                                 | £0.00                  | £6,658.04                |
| (Mayoral) General business   | 3018.84                              |   | 2885.56                                  | £0.00                                | £60.00                                 | £0.00                  | £174,702.92              |

|     |  |  |  |  |  |  |  |
|-----|--|--|--|--|--|--|--|
| use |  |  |  |  |  |  |  |
|-----|--|--|--|--|--|--|--|

|  |               |               |
|--|---------------|---------------|
| BCIS figure for year in which the charging schedule took effect (lc)   | 224           | 331           |
| BCIS figure for year in which the planning permission was granted (lp) | 334           |               |
| <b>TOTAL CHARGEABLE AMOUNT</b>   | £9,986,099.35 | £2,207,418.70 |

\*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: 20/0967

To: Mr Grunwald  
QUOD  
Ingeni Building  
17 Broadwick Street  
London  
W1F 0DE

I refer to your application dated **20/03/2020** proposing the following:

Comprehensive mixed-use redevelopment of the site comprising the phased demolition of the existing buildings and structures on site and the phased development comprising site preparation works, provision of five new buildings containing residential uses, replacement train crew accommodation and flexible retail floorspace, basement, private and communal amenity space, associated car parking (including the part re-provision of station car parking), cycle parking, refuse storage, plant and other associated works.

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

at **Wembley Park Station Car Park and Train Crew Centre, Brook Avenue, Wembley, HA**

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: 17/11/2020

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 proposal is in general accordance with the following documents:

*Adopted Policy*

- The National Planning Policy Framework (2019)
- The London Plan (2016 – Consolidated with alterations since 2011)
- Brent's Core Strategy (2010)
- Brent's Development Management Policies (2016)
- Brent's Wembley Area Action Plan (2015)

*Emerging Policy*

- The Intend to Publish London Plan (2019)
- Brent's Local Plan (Reg 19 Version – 2019)

*Supplementary Planning Guidance / Documents*

- Mayor of London's Affordable Housing and Viability SPG (2017)
- Mayor of London's Housing SPG (2016)
- SPD1 Brent Design Guide (2018)
- Brent's Basements SPD (2017)

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):

|                          |                           |
|--------------------------|---------------------------|
| 15246-A-PL-X-(02)-001_00 | SITE LOCATION AND OS PLAN |
| 15246-A-PL-X-(02)-002_00 | SITE PLAN                 |
| 15878/JV/1 PRELIMINARY/A | EXISTING SITE LAYOUT      |
| 15246-A-PL-X-(05)-001_01 | EXISTING ELEVATIONS       |
| 15246-A-PL-X-(05)-002_01 | DEMOLITION ELEVATIONS     |
| 15246-A-PL-X-(02)-003_00 | DEMOLITION PLAN           |
| 15246-A-PL-X-(03)-099_03 | BASEMENT FLOOR PLAN       |
| 15246-A-PL-X-(03)-100_05 | GROUND FLOOR PLAN         |
| 15246-A-PL-X-(03)-101_07 | 1ST FLOOR PLAN            |
| 15246-A-PL-X-(03)-102_07 | 2ND FLOOR PLAN            |
| 15246-A-PL-X-(03)-103_07 | 3RD FLOOR PLAN            |
| 15246-A-PL-X-(03)-104_01 | 4TH FLOOR PLAN            |
| 15246-A-PL-X-(03)-106_07 | 6TH FLOOR PLAN            |
| 15246-A-PL-X-(03)-107_06 | 7TH FLOOR PLAN            |
| 15246-A-PL-X-(03)-108_06 | 8TH FLOOR PLAN            |
| 15246-A-PL-X-(03)-111_06 | 11TH FLOOR PLAN           |
| 15246-A-PL-X-(03)-112_06 | 12TH FLOOR PLAN           |
| 15246-A-PL-X-(03)-113_05 | 13TH FLOOR PLAN           |
| 15246-A-PL-X-(03)-114_05 | 14TH FLOOR PLAN           |
| 15246-A-PL-X-(03)-115_05 | 15TH FLOOR PLAN           |
| 15246-A-PL-X-(03)-117_05 | 17TH FLOOR PLAN           |

|                              |  |
|------------------------------|--|
| 15246-A-PL-X-(03)-121_05     | ROOF PLAN  |
| 15246-A-PL-X-(05)-100_012    | ELEVATIONS   |
| 15246-A-PL-X-(05)-101_02     | BAY STUDY 01   |
| 15246-A-PL-X-(05)-102_02     | BAY STUDY 02   |
| 15246-A-PL-X-(05)-103_02     | BAY STUDY 03   |
| 15246-A-PL-X-(06)-100_011    | SECTIONS   |
|                              |  |
| 15246-A-PL-A-(03)-100_05     | BLOCK A - GROUND FLOOR PLAN                          |
| 15246-A-PL-A-(03)-101_06     | BLOCK A - 1ST FLOOR PLAN                             |
| 15246-A-PL-A-(03)-103_06     | BLOCK A - 3RD FLOOR PLAN                             |
| 15246-A-PL-A-(03)-107_06     | BLOCK A - 7TH FLOOR PLAN                             |
| 15246-A-PL-A-(03)-112_06     | BLOCK A - 12TH FLOOR PLAN                            |
| 15246-A-PL-A-(05)-100_011    | BLOCK A - SOUTH AND WEST ELEVATIONS                  |
| 15246-A-PL-A-(05)-101_012    | BLOCK A - NORTH AND EAST ELEVATIONS                  |
| 15246-A-PL-B-(03)-100_05     | BLOCK B - GROUND FLOOR PLAN                          |
| 15246-A-PL-B-(03)-101_06     | BLOCK B - 1ST FLOOR PLAN                             |
| 15246-A-PL-B-(03)-102_01     | BLOCK B - 2ND FLOOR PLAN                             |
| 15246-A-PL-B-(03)-103_06     | BLOCK B - 3RD FLOOR PLAN                             |
| 15246-A-PL-B-(03)-104_01     | BLOCK B - 4TH FLOOR PLAN                             |
| 15246-A-PL-B-(03)-107_06     | BLOCK B - 7TH FLOOR PLAN                             |
| 15246-A-PL-B-(03)-113_05     | BLOCK B - 13TH FLOOR PLAN                            |
| 15246-A-PL-B-(05)-100_011    | BLOCK B - SOUTH AND WEST ELEVATIONS                  |
| 15246-A-PL-B-(05)-101_010    | BLOCK B - NORTH AND EAST ELEVATIONS                  |
| 15246-A-PL-C-(03)-100_04     | BLOCK C - GROUND FLOOR PLAN                          |
| 15246-A-PL-C-(03)-101_04     | BLOCK C - FIRST FLOOR PLAN                           |
| 15246-A-PL-C-(03)-103_04     | BLOCK C - 3RD FLOOR PLAN                             |
| 15246-A-PL-C-(03)-108_05     | BLOCK C - 8TH FLOOR PLAN                             |
| 15246-A-PL-C-(03)-114_04     | BLOCK C - 14TH FLOOR PLAN                            |
| 15246-A-PL-C-(05)-100_09     | BLOCK C - SOUTH AND WEST ELEVATIONS                  |
| 15246-A-PL-C-(05)-101_010    | BLOCK C - NORTH AND EAST ELEVATIONS                  |
| 15246-A-PL-D-(03)-100_04     | BLOCK D - GROUND FLOOR PLAN                          |
| 15246-A-PL-D-(03)-101_05     | BLOCK D - FIRST FLOOR PLAN                           |
| 15246-A-PL-D-(03)-103_05     | BLOCK D - THIRD FLOOR PLAN                           |
| 15246-A-PL-D-(03)-107_05     | BLOCK D - 7TH FLOOR PLAN                             |
| 15246-A-PL-D-(03)-108_05     | BLOCK D - 8TH FLOOR PLAN                             |
| 15246-A-PL-D-(03)-111_05     | BLOCK D - 11TH FLOOR PLAN                            |
| 15246-A-PL-D-(03)-117_05     | BLOCK D - 17TH FLOOR PLAN                            |
| 15246-A-PL-D-(05)-100_09     | BLOCK D - SOUTH AND WEST ELEVATIONS                  |
| 15246-A-PL-D-(05)-101_09     | BLOCK D - NORTH AND EAST ELEVATIONS                  |
| 15246-A-PL-E-(03)-099_04     | BLOCK E - BASEMENT FLOOR PLAN                        |
| 15246-A-PL-E-(03)-100_04     | BLOCK E - GROUND FLOOR PLAN                          |
| 15246-A-PL-E-(03)-101_04     | BLOCK E - FIRST FLOOR PLAN                           |
| 15246-A-PL-E-(03)-102_04     | BLOCK E - 2ND FLOOR PLAN                             |
| 15246-A-PL-E-(03)-103_06     | BLOCK E - 3RD FLOOR PLAN                             |
| 15246-A-PL-E-(03)-107_01     | BLOCK E - 7TH FLOOR PLAN                             |
| 15246-A-PL-E-(03)-115_06     | BLOCK E - 15TH FLOOR PLAN                            |
| 15246-A-PL-E-(03)-116_05     | BLOCK E - 16TH FLOOR PLAN                            |
| 15246-A-PL-E-(03)-121_05     | BLOCK E - ROOF PLAN                                  |
| 15246-A-PL-E-(05)-100_010    | BLOCK E - SOUTH AND WEST ELEVATION                   |
| 15246-A-PL-E-(05)-101_011    | BLOCK E - NORTH AND EAST ELEVATIONS                  |
|                              |  |
| MA.3158.1000 REV D           | SITEWIDE LANDSCAPE PLAN                              |
| MA.3158.1001 REV E           | GROUND FLOOR LANDSCAPE GENERAL ARRANGEMENT           |
| MA.3158.1100 REV I           | PODIUM LANDSCAPE GENERAL ARRANGEMENT                 |
| MA.3158.1200 REV E           | 7TH FLOOR ROOF TERRACE LANDSCAPE GENERAL ARRANGEMENT |
|                              |  |
| 15246-A-PL-X-(03)-1B2P-02_03 | PODIUM- 1BED 2P TYPE 02 M4(3)                        |
| 15246-A-PL-X-(03)-1B2P-05_03 | PODIUM- 1BED 2P TYPE 05 M4(3)                        |

|                              |   |
|------------------------------|---|
| 15246-A-PL-X-(03)-1B2P-10_03 | BLOCK C - 1 BED 2P TYPE 10 M4(3)                                  |
| 15246-A-PL-X-(03)-1B2P-14_03 | BLOCK D - 1 BED 2P - TYPE 14 M4(3)                                |
| 15246-A-PL-X-(03)-2B3P-01_03 | PODIUM - 2 BED 3P TYPE 01 M4(3)                                   |
| 15246-A-PL-X-(03)-2B3P-02_03 | BLOCKS A & B - 2 BED 3P TYPE 02 M4(3)                             |
| 15246-A-PL-X-(03)-2B3P-04_03 | BLOCK C - 2 BED 3P TYPE 04 M4(3)                                  |
|                              |   |
| 15246-A(SK)078_01            | INDICATIVE RELATIONSHIP BETWEEN 50/51<br>BROOK AV. AND SUBSTATION |
|                              |   |
| 15246-A-PL-X-(03)-200_03     | GROUND FLOOR PLAN - TENURE PLAN                                   |
| 15246-A-PL-X-(03)-201_02     | 1ST FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-202_03     | 2ND FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-203_03     | 3RDD FLOOR PLAN - TENURE PLAN                                     |
| 15246-A-PL-X-(03)-204_01     | 4TH FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-205_02     | 5TH FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-206_03     | 6TH FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-207_03     | 7TH FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-208_03     | 8TH FLOOR PLAN - TENURE PLAN                                      |
| 15246-A-PL-X-(03)-211_03     | 11TH FLOOR PLAN - TENURE PLAN                                     |
| 15246-A-PL-X-(03)-212_03     | 12TH FLOOR PLAN - TENURE PLAN                                     |
| 15246-A-PL-X-(03)-213_02     | 13TH FLOOR PLAN - TENURE PLAN                                     |
| 15246-A-PL-X-(03)-214_02     | 14TH FLOOR PLAN - TENURE PLAN                                     |
| 15246-A-PL-X-(03)-217_02     | 17TH FLOOR PLAN - TENURE PLAN                                     |

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

- 3 The scheme hereby approved shall contain 454 residential units as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The scheme hereby approved shall contain 1,101sqm (GIA) of commercial floor space (use class Sui Generis) which shall not be used other than for purposes ancillary to the operations of London Underground Ltd and the transport network and 115sqm (GIA) of commercial floor space which shall be used for purposes within the Use Classes A1, A2, A3, B1, D1 or D2 (Use Class E from September 2020) only unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning and to ensure the use of the development is appropriate for the location.

- 5 The development hereby approved shall be built so that no fewer than 350 of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that no fewer than 46 of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’.

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

- 6 The approved cycle and refuse storage facilities as shown on drawing 15246-A-PL-X-(03)-100 Rev 05 and on drawing 15246-A-PL-X-(03)-101 Rev 05 shall be installed on a phased basis prior to occupation of the relevant phase that they serve and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

- 7 The 14 blue badge parking bays on the western side and in the central part of the car parking area shall not be used other than for purposes ancillary to the occupation of the residential units of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority. The 38 standard parking bays and 2 blue badge parking bays located centrally within the car parking area shall not be used other than for purposes relating to the operation of the transport network and occupation of the commercial unit with use class Sui Generis within the development hereby approved, unless alternative details are agreed in writing by the Local Planning Authority. The 12 blue badge parking bays located on the eastern side of the car parking area shall not be used other than for purposes of disabled access to Wembley Park Station in a public use capacity, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

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

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

- 9 A communal television aerial and satellite dish system for each building, or a single system for the development as a whole, shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. No further television aerial or satellite dishes shall be erected on the premises.

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

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

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

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

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

- 12 The development hereby approved shall be carried out in full accordance with the Proposed Risk Mitigation Strategy as set out in Section 12 of the submitted Detailed Unexploded

Ordinance Risk Assessment (prepared by SafeLane Global, dated March 2020) reference: CG/38188.

Reason: To ensure that the development suitably mitigates the risks associated with the potential presence of unexploded ordinance at the application site.

- 13 The substation at the western end of the development hereby approved, shall be installed in accordance with the approved details and must comply with the following Standards:
- Noise: BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.
  - Vibration: BS6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Part 1: Vibration sources other than blasting.
  - ICNIRP Reference Levels of 100 microteslas for magnetic fields and 5000 volts per metre for electric fields

Reason: To secure the satisfactory development of the site in terms of human health and the wider environment.

- 14 Unless alternative details are first agreed in writing by the Local Planning Authority, the recommendations set out in the submitted Flood Risk and Drainage Strategy (prepared by Powell Tolner & Associates Ltd, dated March 2020 – Ref: 9706-PTA-ZZ-XX-RP-9001) shall be fully implemented for each phase of the development following the commencement of each phase of the development (excluding site preparation works).

Reason: To ensure the development suitably addresses flood risk and drainage impact.

- 15 Unless alternative details are first agreed in writing by the Local Planning Authority, the recommendations set out in the submitted Air Quality Assessment (prepared by Eight Associates, dated March 2020) shall be fully implemented for each phase of the development following the commencement of the superstructure works of each phase of the development.

Reason: To ensure the development suitably addresses air quality impact.

- 16 Unless alternative details are first agreed in writing by the Local Planning Authority, the ecology mitigation and enhancement recommendations set out in chapters 5, 6 and 7 of the submitted BREEAM Ecology Assessment (prepared by Greengage, dated March 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.

Reason: To ensure the development suitably mitigates ecological impact and takes the opportunities to enhance ecology and biodiversity.

- 17 Unless alternative details are first agreed in writing by the Local Planning Authority, the tree protection recommendations set out in the submitted BS5837 Tree Survey & Arboricultural Impact Assessment (prepared by Greengage, dated March 2020) shall be fully implemented for each phase of the development following the commencement of each phase of the development (excluding site preparation works).

Reason: To ensure the development suitably protects trees that could be damaged by the development.

- 18 Unless alternative details are first agreed in writing by the Local Planning Authority, the recommendations set out in the submitted Fire Statement (prepared by Michael Slattery Associates, dated September 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.

Reason: To ensure the development accounts for fire safety.

- 19 Unless alternative details are first agreed in writing by the Local Planning Authority, the recommendations set out in the submitted Overheating Analysis (Prepared by Eight Associates, dated March 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.

Reason: To ensure the development effectively addresses overheating issues.

- 20 Unless alternative details are first agreed in writing by the Local Planning Authority, the recommended mitigation measures set out in the Noise and Vibration Report (prepared by RBA Acoustics, dated March 2020 – Ref: 9697.RP01.AAR.2 Revision Number: 2) shall be fully implemented for each phase of development prior to occupation of that phase.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 21 The development hereby approved shall not be commenced until a phasing plan showing the location of all phases and car parking provision, the sequencing for those phases and car parking provision, and indicative timescales for their delivery is submitted and approved by the Local Planning Authority in writing through the submission of an application for approval of details reserved by condition. The development shall be carried out in accordance with the plan thereby approved.

The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge and to ensure coordination between the phasing plan as approved and the triggers in any relevant agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended).

Pre-commencement Reason: The precise phasing must be known prior to the commencement of works on those relevant phases for clarity of the submission of details in relation to each of those phases.

- 22 Prior to the commencement of works on a relevant part of the development hereby approved, a CIL chargeable developments plan shall be submitted to the Local Planning Authority through the submission of an application for approval of details reserved by condition.

Reason: To define the extent of a CIL phase for the purposes of the CIL Regulations 2010 as amended.

Pre-commencement Reason: CIL payments must be made prior to commencement of development and the chargeable development and associated charge must therefore be known prior to the commencement of works on those relevant phases.

- 23 Notwithstanding the details already submitted, prior to the commencement of the development (excluding site preparation) hereby approved, a revised Construction Logistics Plan shall be submitted to and agreed in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The revised Construction Logistics Plan shall include:

- Details of arrangements for general traffic management along Brook Avenue during construction.
- An evaluation of the potential to phase the use of the adopted highway for construction logistics purposes in a way that would facilitate the provision of disabled parking on-street on Brent Council highways land along Brook Avenue opposite the application site.

The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on existing facilities during construction.

- 24 Notwithstanding the details already submitted, prior to the commencement (excluding site preparation) of the development hereby approved, a revised Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submission shall outline details of the following measures:

- Hoarding of material.
- Parking arrangements on site.
- Transportation of vehicles and
- Dust Mitigation – wheel washing of vehicle.
- Noise mitigation and management (BS 5228:2014).
- Storage of materials.

The development shall thereafter operate in accordance with the approved document.

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

- 25 a) Prior to the commencement of a phase of development (excluding site preparation works) a site investigation for that phase of the development 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 and approved in writing by 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 report shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

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

- 26 No piling shall take place for a phase of development 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 for that phase in consultation with Thames Water. The method statement shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

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.

- 27 Details of materials of the development, for all external work, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing

by the Local Planning Authority prior to works commencing for that part of the development which include the relevant materials. The work shall be carried out in accordance with the approved details. The details shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

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

- 28 Prior to commencement of a phase of superstructure works , a plan indicating the provision of electric vehicle charging points for the approved car parking spaces for that phase within the site shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. Thereafter, the agreed electric vehicle charging points shall be provided and made available for use prior to occupation of that phase of the development. The provision of electric vehicle charging points shall be in accordance with adopted London Plan standards, providing at least both active and passive charging points.

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

- 29 Prior to commencement of a relevant phase of the development (excluding site preparation works).hereby approved, detailed designs of the segregated ramp for pedestrian and wheelchair users forming part of that relevant phase of development hereby approved shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall thereafter be implemented in accordance with the approved details prior to its first occupation.

Reason: To ensure a safe arrangement can be demonstrated.

- 30 Prior to occupation of a phase of the development hereby approved, a scheme of detailed landscaping proposals for that phase shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The submitted scheme shall set out detailed proposals for the following aspects:

- Planting species and densities for all grass, shrubs and proposed trees, including street trees along Brook Avenue;
- Child Play spaces;
- Safety measures to minimise conflict between vehicles and play space to the west of Block A, including vehicles that would service the substation;
- Measures to achieve wind comfort levels at the on-street blue badge bays, as recommended in submitted Pedestrian Level Wind Microclimate Assessment (prepared by RWDI, dated March 2020 – Ref: #2000382);
- Biodiversity mitigation and enhancement measures, as recommended in submitted Preliminary Ecological Appraisal (prepared by Greengage, dated March 2020);
- External lighting (including details of lux levels and light spillage diagrams).

The approved landscaping scheme shall be completed prior to the first occupation of the relevant phase of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning

Authority.

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

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces and to maximise biodiversity benefits.

- 31 Prior to occupation of a phase of development hereby approved, details of how the phase of development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition.

The development shall be completed in accordance with the approved details prior to occupation of that phase of the development.

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

- 32 Prior to occupation of the phase of development that incorporates the construction of the tallest block (Block E) within the development hereby approved, details of privacy screening to the southern side of the balcony serving the '2 Bed 3P – Type 07' apartment and to the northern side of the balcony serving the '1 Bed 1P – Type 02' apartment located on the third, fourth, fifth and sixth floors of Block E shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall thereafter be implemented in accordance with the approved details prior to occupation within that phase unless alternative details are first approved in writing by the Local Planning Authority.

Reason: To ensure acceptable privacy levels within the development.

- 33 Notwithstanding the details already submitted, prior to the occupation of a relevant phase of development hereby approved, a revised Delivery and Servicing plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The revised Delivery and Servicing Plan shall adjust the details of the originally submitted plan to account for the omission of loading bays from the plans.

The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on existing facilities during construction.

- 34 Prior to occupation of a relevant phase of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase through the submission of an application for approval of details reserved by condition.

The development shall thereafter operate in accordance with the approved details unless alternative details are first approved in writing by the Local Planning Authority.

Reason: To ensure a safe arrangement can be demonstrated.

- 35 Prior to occupation of a relevant phase of development hereby approved, a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase through the submission of an application for approval of details reserved by condition.

The development shall thereafter operate in accordance with the approved details unless alternative details are first approved in writing by the Local Planning Authority.

Reason: To ensure a safe arrangement can be demonstrated.

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

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

Reason: To protect acceptable local noise levels.

- 37 Prior to the commencement of any A3 use (E(b) use from September 2020) within the development hereby approved, details of the means of extraction of effluvia from the kitchen of the unit being used for that purpose shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

Reason; To protect local amenity and minimise local 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](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk).
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
  
- 6 In relation to the conditions requiring the submission of details pertaining to land contamination, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
  
- 7 Brent Council advises that the applicant includes the use of Pyrus 'Chanticleer' and Hornbeam as species of street tree in the discharge of Condition 30.
  
- 8 The following definitions apply in respect of the planning conditions above:

**SubStructure**

Substructure works are defined as building foundations or underlying building supporting substructure. These exclude site preparation works.

**Superstructure**

Superstructure works are defined as part of the building above its foundations. These exclude site preparation works.

**CIL**

For the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) this is a phased development. Each CIL chargeable development approved by this condition shall be considered a separate chargeable development for the purposes of calculating Community Infrastructure Levy.

**Phase**

A phase of development comprises a phase defined for the purposes of CIL and/or a phase defined for the purposes of the discharge of planning conditions and/or a construction phase or sub-phase, and for the purposes of discharging relevant planning obligations.

A phase can comprise site preparation works, demolition works, site preparation works, sub-structures, and/or buildings, plots or groups of plots.

**Site preparation works**

Site preparation works comprise demolition, surveys, site clearance, the erection of fencing or hoardings, the provision of security measures or lighting, the erection of temporary buildings or structures associated with the development, the laying removal or diversion of services, the provision of construction compounds

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

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

26 November, 2020  
04  
20/2473

## SITE INFORMATION

|   |  |
|---|--|
| RECEIVED  | 13 August, 2020  |
| WARD  | Welsh Harp   |
| PLANNING AREA   |  |
| LOCATION  | 6 and 6A Coombe Road, London, NW10 0EB   |
| PROPOSAL  | Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, four, six and seven storey building providing flexible employment workspace on ground and part of first floor, and self-contained flats with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development   |
| PLAN NO'S   | See Condition 2.   |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case<br/> <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_151120">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_151120</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "20/2473" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol> |

## RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement.
3. *Affordable Housing* – comprising 11 units for London Affordable Rent (3 x 2bed and 8 x 3bed) and 4 units for shared ownership (4 x 3bed)
4. *Late stage review mechanism* to identify any additional contribution to affordable housing
5. *Commuted sum towards Affordable Workspace provision* – £99,362
6. *Undertaking of highway works* through an agreement under S38/S278 of the Highways Act 1980, to comprise Reinstatement of the redundant crossover to footway and extension of Wembley Stadium Event Day parking bays all at the developer's expense.
7. *Provision of permissive public right of way* at rear of site in the event of redevelopment of adjoining sites
8. *Training and employment of Brent residents*
9. *Carbon Off-setting and Sustainability compensatory measures* – Financial contribution towards a local carbon offsetting scheme to achieve the targets for carbon reduction on residential development, should those targets not be met through on site measures (including detailed design stage energy assessment and initial contribution, post-completion energy review and final contribution).

B. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

C. 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. 3 year time limit
2. Approved plans and drawings
3. Number of residential units and quantum of commercial floorspace
4. Withdraw PD rights for conversion from C3 to C4 small HMOs
5. Use of commercial floorspace
6. Air quality mitigation measures
7. Flood risk mitigation measures
8. Commercial units fit out
9. Parking and landscaping etc provided
10. Water consumption limited to 105lppd
11. Compliance with Building Regulations M4(2) and M4(3)
12. Windows to be obscured
13. Ecological measures

#### *Pre-commencement*

14. Construction Method Statement
15. Pre-commencement tree protection site visit

#### *Pre-construction*

16. Contaminated land site investigation
17. Electric Vehicle Charging Points

*During construction*

18. District heating network connection
19. Piling Method Statement
20. Details of PV panels
21. Materials samples
22. Details of balcony screening
23. Detailed landscaping scheme

*Pre-occupation*

24. Meanwhile use strategy
25. Plant noise assessment
26. Sound insulation measures
27. Residential noise levels
28. Surface water network upgrades
29. Communal TV/satellite system
30. Travel Plan
31. Delivery and Servicing Plan

Informatives

1. CIL liable development
2. Vehicle crossover works
3. Thames Water
4. Groundwater Risk Management Permit
5. Flood Risk Activity Permit
6. Flood proofing
7. Asbestos
8. Notify Highways of start
9. London Living Wage
10. Party Wall
11. Imported soil
12. Fire safety standards
13. Construction hours

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

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

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

## SITE MAP

|   |  |
|---|--|
|  | <b>Planning Committee Map</b>  |
| <b>Brent</b>  | Site address: 6 and 6A Coombe Road, London, NW10 0EB                 |
|   | © Crown copyright and database rights 2011 Ordnance Survey 100025260 |



This map is indicative only.

## PROPOSAL IN DETAIL

The application seeks permission to demolish the existing industrial units and to redevelop the site to provide a part four-, five- and six-storey building comprising two duplex commercial units on the ground and first floors (Use Class E(g) (ii) and (iii) ), and 52 residential units on the first to sixth floors (comprising 14 x 1bed, 24 x 2bed and 14 x 3bed units), together with associated parking, cycle parking, refuse storage and landscaping including a public footpath along the bank of the River Brent.

## EXISTING

The existing site consists of a pair of single storey industrial units, currently in use as a building services contractor and a scaffolding service, and associated areas of hardstanding.

The site is located on the northwestern side of Coombe Road, a cul-de-sac with pedestrian access to Harp Island Close further to the north, and its rear boundary is with the River Brent. Coombe Road is mixed in character, consisting of a small number of large-scale buildings including a residential flatted development (Roger Stone Court) adjacent to the site to the northeast, commercial storage and distribution buildings to the east and southwest (including Shurgard House adjacent to the site) and a fast food restaurant to the south. The wider surrounding area includes the A4088 Blackbird Hill to the south, residential areas to the west and east, and the Welsh Harp Reservoir and large areas of open space to the north.

## AMENDMENTS SINCE SUBMISSION

Amended plans and supporting documents were received on 2 November 2020, in response to comments from Design, Transport and Secure by Design officers. These did not fundamentally alter the nature of the scheme, and did not require further reconsultation. The main amendments were as follows:

- Cycle storage reconfigured, moved away from river boundary, balustrade railings replaced with louvres that guarantee the free flow of flood water.
- Commercial cycle storage relocated from the rear into each unit. Positions are indicative only.
- Residential entrance redesigned to reduce the extent of louvres and blank wall, entrance pushed back, commercial Unit A extended, and bin and plant rooms rearranged.
- Additional entrance lobby introduced for safe deliveries and post boxes, reducing the length of the shared corridor and providing a seating and waiting area.
- Commercial main doors replaced with double doors.
- Residential shared external doors all fully glazed.
- Shallow balconies on the Coombe Road elevation replaced with Juliet balconies (these were excluded from amenity space calculations as they were less than 1.5m deep).
- Unit A05.02 balcony relocated to the main elevation to improve distribution of bulk and massing.

## SUMMARY OF KEY ISSUES

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

**Representations received:** 283 neighbouring properties were notified of the development, in addition to site notice and a press notice being published. Three objections were received and one comment of support. Objections raised concerns in relation to visual amenity considerations, neighbour amenity considerations, density and height of development, loss of property value, conduct of Planning Committee and officers on previous decision and inadequate consultation process. Your officers have addressed the objections raised and consider that the development proposal is acceptable.

**Principle of development:** The proposal would be similar in nature to the consented scheme on this site, albeit with the building increased in height and an increase in the number of residential units. The proposal would provide new employment floorspace which exceeds the current floorspace on site and would be identical to that delivered by the consented scheme, together with 52 new residential units to contribute towards Brent's housing target and a financial contribution to affordable workspace. Despite not being in full accordance with Policy DMP14, the emerging policy context strongly supports the mixed use redevelopment of this site and the consented scheme also carries significant weight in the determination of this proposal.

**Affordable housing and housing mix:** The proposal includes 27% family-sized housing in compliance with Policies CP2 and CP21. The proposed affordable housing provision of 36.5% by habitable room with a policy-compliant tenure split is considered by your officers to be beyond the maximum reasonable proportion of affordable housing that can viably be delivered on the site. A late stage review mechanism would be secured through the s106 agreement.

**Design, scale and appearance:** The design approach provides a strong active frontage along the street and successfully modulates the bulk and mass of the building, while the contemporary architectural style is considered to be appropriate to the surrounding context and to provide a high quality development. Whilst the height is greater than proposed in the consented scheme, it is considered not to have any adverse impacts on the surrounding townscape and to be acceptable in this instance.

**Residential living standards:** The proposal would provide a high standard of residential accommodation, including generously sized units, and a combination of private and communal amenity space.

**Relationship with neighbouring properties:** The proposal would have some impact on eight side-facing windows at Roger Stone Court but these would still receive reasonable levels of daylight for an urban context. There are no other concerns in relation to the impact on neighbouring properties, and the proposal allows sufficient separation distances to allow adjoining sites to come forward for redevelopment in the future.

**Flood risk, drainage, trees and biodiversity and relationship with River Brent:** The proposal has been designed to minimise the risk of flooding on site and in the surrounding area, and the findings of the Flood Risk Assessment are supported by the Environment Agency. A 3m buffer strip would be retained at the rear of the site to ensure that built development maintains an 8m distance from the River Brent, and this would be accessible as part of a public footpath along the riverside. There are no concerns in relation to trees and biodiversity, subject to conditions.

**Environmental Health:** There are no concerns on environmental health grounds, subject to conditions relating to internal noise criteria for residential properties, noise insulation between residential and commercial elements, assessment of plant noise, site investigation and remediation of contaminated land, and a construction management plan.

**Sustainability and energy:** The proposal achieves a 28.5% reduction in regulated energy emissions against the 2013 Building Regulations baseline for residential floorspace and 37% for the commercial floorspace, using a combination of energy efficiency measures and renewable energy. The remaining emissions would be offset via a financial contribution, estimated to be £89,198, to Brent's carbon offsetting fund to achieve a zero carbon residential development. The commercial floorspace does not meet the 1,000sqm threshold to require a BREEAM Excellent rating but would benefit from the reduced emissions achieved for the building as a whole.

**Transportation, parking and servicing:** The proposal provides on-site parking for 52% of the residential units, which is considered by Transport officers to be appropriate within the context of local census data on car ownership. A redundant crossover would be reinstated to footway and on-street parking bays would be provided along the site frontage, together with an on-street loading bay for the commercial units, all at the applicant's expense. Adequate provision would be made for cycle storage and bin storage. The 3m buffer strip at the rear of the site would be provided as an adoptable footpath, linking to existing sections of footpath and allowing a through route along the riverbank to be opened up. This is considered to be a significant planning benefit of the scheme.

**MONITORING**

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

**Floorspace Breakdown**

| Primary Use | Existing | Retained | Lost | New | Net Gain |
|-------------|----------|----------|------|-----|----------|
| Page 86     |          |          |      |     |          |

|                                       |   |  |  |   |  |  |   |  |  |  | (sqm) |
|---------------------------------------|---|--|--|---|--|--|---|--|--|--|-------|
| Assembly and leisure                  | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Businesses / research and development | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Businesses and light industry         | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Businesses and offices                | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Drinking establishments (2004)        | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Financial and professional services   | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| General industrial                    | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Hot food take away (2004)             | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Hotels                                | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Non-residential institutions          | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Residential institutions              | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Restaurants and cafes                 | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Shops                                 | 0 |  |  | 0 |  |  | 0 |  |  |  |       |
| Storage and distribution              | 0 |  |  | 0 |  |  | 0 |  |  |  |       |

### Monitoring Residential Breakdown

| Description                        | 1Bed | 2Bed | 3Bed | 4Bed | 5Bed | 6Bed | 7Bed | 8Bed | Unk | Total |
|------------------------------------|------|------|------|------|------|------|------|------|-----|-------|
| EXISTING ( Flats û Market )        |      |      |      |      |      |      |      |      |     | 0     |
| EXISTING ( Flats û Intermediate )  |      |      |      |      |      |      |      |      |     |       |
| EXISTING ( Flats û Social Rented ) |      |      |      |      |      |      |      |      |     |       |
| PROPOSED ( Flats û Market )        | 14   | 21   | 2    |      |      |      |      |      |     | 37    |
| PROPOSED ( Flats û Intermediate )  | 0    | 0    | 4    |      |      |      |      |      |     | 4     |
| PROPOSED ( Flats û Social Rented ) | 0    | 3    | 8    |      |      |      |      |      |     | 11    |

### RELEVANT SITE HISTORY

**18/2984**

Full Planning Permission  
Granted 04/03/2019

Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, five and six storey building providing 727 sqm of flexible employment workspace (Use Class E(g)(ii) and (iii) – previously Use Class B1b and B1c), 42 self-contained flats (17 x 1bed, 14 x 2bed and 11 x 3bed) with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development subject to a deed of agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 28/02/2019

### CONSULTATIONS

283 neighbouring properties were consulted by letter on 3 September 2020. A site notice was posted on 10 September 2020 and a press notice was published on 17 September 2020.

One comment in support of the application was received. Three objections were received and are summarised as follows:

| Comment  | Officer response  |
|--|---|
| Proposal represents high rise sprawl / land grab and is not appropriate to area with low-rise character and few commercial properties. Increase in number of flats from previous application is due to greed.  | See 'Principle of Development' and 'Affordable Housing and Housing Mix' sections of report. Developer profit is not a material planning consideration other than in relation to assessing viability in the context of affordable housing provision. |
| Height would be imposing, more than double that of existing and surrounding buildings, above Roger Stone Court and two-storey properties on Braemar Avenue. Draft Local Plan states heights typically up to 5-6 stories likely to be acceptable, in other areas should be no higher than two storeys above prevailing predominant heights. | See 'Design, Scale and Appearance' section of report.   |

|   |  |
|---|--|
|   |  |
| Height and massing of building would be overbearing, cause overlooking, loss of privacy and loss of light, being detrimental to existing properties.  | See 'Relationship with neighbouring properties' section of report.   |
| Proposal would be to the detriment of the environment and contribute to existing overcrowding.  | See 'Principle of Development' and 'Trees, landscaping and biodiversity' sections of report.<br><br>All of the new homes would meet internal space standards set out within National Technical Space Standards and emerging policy D6, and therefore would represents good quality homes.  |
| Additional parking would be required on Coombe Road, and more traffic would be generated on Blackbird Hill (A4088), adding to increasing congestion. Previous residential development in Wembley and Barnet have added to congestion. | See 'Transport Considerations' section of report.  |
| Previous objectors not consulted on this application.   | Consultation with neighbours far exceeded the statutory requirement for this case, and further publicity was provided through a site notice and press notice.<br><br>.   |
| Conduct of previous committee meeting, allegations of corruption in planning department and collusion with property developers.   | Planning applications are required to be considered in accordance with planning policies set out in within the development plan, unless material considerations indicate otherwise. The remarks section below consider the merits of the proposal in detail.<br><br>The application has been subject to public consultation, and comments received have been considered and discussed within the committee report.<br><br>The Planning Committee are bound by a code of conduct for committee members.<br><br>Correct procedures have been followed and no evidence of corruption has been presented. Should a member of the public have any evidence of this then they should report this to the police and the Council's audit team. |
| Decisions taken on other planning applications have ignored policies in favour of developers.   | Each application is decided on its own merits and must be determined in accordance with the policies within the development plan unless material considerations suggest otherwise.<br><br>Decisions on other applications are not material planning considerations in relation to this application. However, each proposal is considered against planning policy and other material considerations.  |
| Dust and noise from construction works and impact on health of existing residents   | The impact of the construction works upon neighbouring occupiers would be managed through a construction management plan which includes measures to control dust. Noise pollution is controlled through Environmental Health legislation. The application was also subject to an air quality impact assessment that concluded that the proposal  |

|   |  |
|---|--|
|   | would be air quality neutral.                  |
| Impact on value of neighbouring properties. | This is not a material planning consideration. |

### External and statutory consultees

Environment Agency: No objection subject to informative on flood risk activity permit.

Secure by Design: Recommendations to improve security of ground floor layout. [Officer note: these have been addressed in amended plans received on 2 November 2020 and further details would be required by conditions]

Thames Water: No objection subject to condition regarding piling.

## 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
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 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
- 5.21 Contaminated land
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving air quality

### Brent Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 A Balanced Housing Stock

### Brent Development Management Policies 2016

- DMP1 Development Management General Policy

|       |  |
|-------|--|
| DMP9  | Waterside Development                                  |
| DMP9a | Managing Flood Risk                                    |
| DMP9b | On Site Water Management and Surface Water Attenuation |
| DMP11 | Forming an Access on to a Road                         |
| DMP12 | Parking  |
| DMP13 | Movement of Goods and Materials                        |
| DMP14 | Employment Sites                                       |
| DMP15 | Affordable Housing                                     |
| DMP18 | Dwelling Size and Residential Outbuildings             |
| DMP19 | Residential Amenity Space                              |

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

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.

Key relevant policies include:

#### Draft New London Plan

|      |   |
|------|---|
| D3   | Optimising site capacity through the design-led approach                        |
| D4   | Delivering good design  |
| D5   | Inclusive design  |
| D6   | Housing quality and standards   |
| D7   | Accessible housing  |
| D8   | Public realm  |
| D12  | Fire safety   |
| D13  | Agent of Change   |
| D14  | Noise   |
| H1   | Increasing housing supply   |
| H4   | Delivering affordable housing   |
| H5   | Threshold approach to applications  |
| H6   | Affordable housing tenure   |
| H7   | Monitoring of affordable housing  |
| S4   | Play and informal recreation  |
| 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                        |
| G5   | Urban greening  |
| SI1  | Improving air quality   |
| SI2  | Minimising greenhouse gas emissions   |
| SI5  | Water infrastructure  |
| SI13 | Sustainable drainage  |
| T1   | Strategic approach to transport   |
| T2   | Healthy Streets   |
| T4   | Assessing and mitigating transport impacts                                      |
| T5   | Cycling   |
| T6.1 | Residential parking   |
| T7   | Deliveries, servicing and construction  |

#### Draft Local Plan

|       |   |
|-------|---|
| DMP1  | Development management general policy                                 |
| BP2   | East  |
| BESA1 | Coombe Road   |
| BD1   | Leading the way in good urban design                                  |
| BH1   | Increasing housing supply in Brent                                    |
| BH2   | Priority areas for additional housing provision within Brent          |
| BH5   | Affordable housing  |
| BH6   | Housing size mix  |
| BH13  | Residential amenity space   |
| BGI1  | Green and blue infrastructure in Brent                                |
| BGI2  | Trees and woodlands   |
| BSUI1 | Creating a resilient and efficient Brent                              |
| BSUI2 | Air quality   |
| BSUI3 | Managing flood Risk   |
| BSUI4 | On-site water management and surface water attenuation                |
| BT1   | Sustainable travel choice   |
| BT2   | Parking and car free development                                      |
| BT3   | Freight and servicing, provision and protection of freight facilities |
| BT4   | Forming an access on to a road  |

## DETAILED CONSIDERATIONS

### Background

1. The proposal presents an amended version of the consented scheme for the redevelopment of the site, ref 18/2984. The consented scheme could be legally implemented at this time and is therefore a material planning consideration of significant weight in the determination of this application. The main points of comparison between the two applications are summarised below and considered in more detail at the relevant points in the report:
  - The commercial floorspace would remain as in the consented scheme in terms of amount, layout and design (other than minor changes to the layout to resolve design concerns).
  - The number of residential units would increase by 10 from 42 to 52 new homes;
  - Affordable housing provision would increase from 35% by habitable room to 36.4% by habitable room;
  - The maximum building height would be increased from six stories to seven stories, with lower sections increasing in height from four and five stories to five and six stories;
  - Residential layouts would be reconfigured to concentrate affordable units into Core B as opposed to having them dispersed throughout the building;
  - The number of on-site parking spaces would be reduced from 29 to 27

### Principle of development

#### Loss of existing employment site

2. The site is a Local Employment Site, part of the Coombe Road cluster of employment sites surveyed in the Brent Employment Land Demand Study. Policy DMP14 restricts the release of employment sites where continued wholly employment use is unviable or significant benefits consistent with wider development plan objectives would be achieved through the redevelopment of the site. In the determination of the consented scheme, Planning Committee noted that the proposal did not fully comply with Policy DMP14 as the site would not remain in wholly employment use and was not vacant. However, Brent's Preferred Options Local Plan, in which the site formed part of a proposed site allocation BESA1 Coombe Road, was taken to be a material consideration, together with the emerging London Plan draft Policy E7. The site allocation promotes mixed use redevelopment of the site including replacement of existing industrial floorspace and residential use on the upper floors. On balance, the benefits of redeveloping the site in accordance with the aims of emerging policy were seen to outweigh the limited lack of compliance with existing policy.
3. Brent's emerging Local Plan (Regulation 19 version) has now been through an Examination in Public and can be afforded significantly greater weight compared to the Preferred Options version. This version also promotes the mixed use redevelopment of the site as part of the BESA1 site allocation, however it

requires industrial floorspace on site to be maximised through a design-led approach and viability testing, at a plot ratio of 0.65 or the replacement of the existing floorspace, whichever is the greater. This more stringent requirement reflects an increased emphasis on providing sufficient industrial land to meet the Borough's evidenced needs, as set out in draft London Plan Policy E4.

4. As with the consented scheme, the proposal would result in the loss of the existing industrial units and would displace two operational businesses on the site. However, emerging policies do not contain any specific requirement to retain existing businesses on site, and their loss would also occur if the consented scheme is delivered. The proposal would take the same basic form as in the consented scheme albeit with minor alterations to the layout, providing two new duplex commercial units for tenants within Use Classes E(g) (ii) and (iii) (formerly use classes B1b and B1c), Unit A being 87.6sqm at ground floor and 153sqm at first floor, and Unit B being 243sqm at ground floor and 234sqm at first floor, with an external roof terrace of 32sqm and commercial bin store of 9sqm. The total commercial floorspace of 727sqm would be the same as provided in the consented scheme and more than the 688sqm existing floorspace. However it would be less than the 1,365sqm representing the industrial capacity of the site (at a plot ratio of 0.65 over the 0.21 hectare site) and consequently would not fully comply with the requirements of the proposed site allocation.
5. Whilst the increase in industrial floorspace is relatively small and below the industrial capacity of the site, your officers consider that the viability of the scheme (discussed in paragraphs 23 - 25) and the Flood Zone designation (discussed in paragraphs 59 - 63) represent significant constraints on the increase of floorspace in this case and that the consented scheme is also a material consideration of significant weight. Taken together, these factors are considered to outweigh concerns regarding the amount of industrial floorspace.
6. The applicant has offered to provide 80sqm of the floorspace as affordable workspace and, given that the scheme has been demonstrated to be in deficit with the provision of affordable housing (this issue is discussed further in paragraphs 23 - 25), it is considered that the scheme would not be deliverable with a higher proportion of affordable workspace. Your officers consider that the amount of affordable workspace proposed is too small to be attractive to a managed affordable workspace provider and have requested a financial contribution of £99,362 towards affordable workspace provision within the Borough instead. The applicant has agreed to this and it would be secured through the s106 Agreement.
7. Your officers consider that E(g)(i) (formerly B1(a)) office floorspace would not be appropriate outside of a town centre, and a condition is recommended to restrict the permitted uses to Use Classes E(g) (ii) and (iii) (formerly Use Classes B1(b) and B1(c)). However there is also a concern that without an occupier identified for the commercial units, the space may not meet potential occupiers' requirements, in terms of design, servicing and fit out. If an occupier cannot be found this could result in either unit or both remaining vacant for long periods, which could detract from the vitality of the street scene and increase crime and the fear of crime, and could ultimately result in the loss of the employment space. This issue was considered in the determination of the consented scheme, and it was noted that the floorspace could be sub-divided into smaller units if required, with a choice of fit out arrangements including 'shell and core plus', and that important features could be secured as part of the fit out, including a goods lift, level access from the loading bay, glass frontage and front doors, and capped off services. These would be required by condition.
8. Furthermore, a meanwhile use strategy would be required by condition in order to ensure that the commercial floorspace is marketed effectively for E(g) (ii) and (iii) uses and to allow for alternative uses to be explored on a temporary basis in the event of any extended periods of vacancy. This would minimise the risk of the units remaining vacant for long periods of time.

#### Residential-led redevelopment

9. The NPPF expects the planning system to boost significantly the supply of housing, and Core Strategy Policy CP2 sets out a target of 22,000 new homes across the borough by 2026. The site adjoins an established residential flatted development, with further residential development to the north, and the wider surrounding area is primarily residential. These factors lend support for the principle of a residential use on the site, subject to compliance with policies on re-providing industrial floorspace and other material considerations.
10. The draft London Plan proposes higher housing targets across London, with the target for Brent set to increase from 1,525 to 2,325 per year, and is a material consideration of considerable weight. As noted above, in order to encourage the most efficient use of land, draft London Plan Policy E7 supports the

redevelopment of industrial sites to include residential development, and Brent's emerging Local Plan proposes the allocation of this site for mixed use redevelopment including housing.

11. The proposed intensification of the development site would deliver an additional ten new homes compared to the consented scheme. It would therefore contribute to the delivery of London's housing requirements and the Council's minimum housing target in line with London Plan Policy 3.3, draft London Plan Policy H1, and emerging Policy BH1 of Brent's Local Plan.

### Conclusion

12. The proposal fails to provide the amount of industrial floorspace sought in Brent's proposed site allocation, but other material considerations outweigh these concerns. The proposal complies with the relevant policies in other respects, and is acceptable in principle.

### **Affordable housing and housing mix**

#### Policy background

13. Brent's adopted Policies CP2 and DMP15 set out the affordable housing requirements for major applications and stipulate a target that 50% of homes should be affordable, with 70% of those affordable homes being social or affordable rented housing and the remaining 30% being intermediate housing (such as for shared ownership or intermediate rent). Policy DMP15 allows affordable rent levels of up to 80% of market rents, which is consistent with the NPPF definition of affordable housing, and accepts a reduced proportion of affordable housing on viability grounds, subject to a financial viability appraisal being submitted and independently reviewed on behalf of the Council.
14. The emerging London Plan (Intend to Publish Version) has been subject to examination and the associated affordable housing policies (H4, H5 and H6) are now given greater weight. These policies establish a fast track route for applications proposing a threshold level of affordable housing and a policy compliant tenure split (other criteria are also applicable). These applications can progress without viability being tested at application stage. The threshold level is
  - 35% Affordable Housing; or
  - 50% Affordable Housing on industrial land (including non-designated industrial sites where the scheme would result in a net loss of industrial capacity) or public sector land where there is no portfolio agreement with the Mayor.
15. The policies set out the Mayor's commitment to delivering 'genuinely affordable' housing and require the following tenure split:
  - A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
  - A minimum of 30% intermediate homes;
  - 40% to be determined by the borough based on identified need.
16. When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of Affordable Rent to Intermediate) and Brent's emerging policies (70:30 ratio of London Affordable Rent to Intermediate) provide clarity on the tenure of the third category (40% to be determined by the borough), which in Brent should be provided as Affordable Rented homes.
17. Both adopted and emerging policies allow for a reduction in affordable housing obligations on financial viability grounds where it can be robustly demonstrated that the target level of affordable housing would undermine the deliverability of the scheme. The policies require schemes to deliver the maximum reasonable amount of affordable housing (i.e. the most that the scheme can viably deliver, up to the targets) and schemes that are not eligible for the threshold approach must be accompanied by a financial viability assessment. It is important to note that these policies do not require all schemes to deliver 35% or 50% affordable housing.
18. Brent's emerging Local Plan has only recently been examined by the Planning Inspectorate and as such the adopted Policy DMP15 policy and emerging London Plan Policies H4, H5 and H6 would carry considerably more weight than Brent's emerging policy at this point in time.
19. Core Strategy Policy CP2 sets out aims for new residential developments to provide at least 25% family

sized accommodation. Brent's emerging Local Plan Policy BH6 also emphasises the continuing need for family sized accommodation and carries forward the 25% target. More specifically it seeks at least one family sized home for every four dwellings.

### Consented scheme

20. The consented scheme originally proposed 26.6% affordable housing comprising 12 units in shared ownership. The Financial Viability Appraisal demonstrated a deficit of £2.8m and the Council's review also found that the scheme was in deficit but to a lesser degree (approx £1.32m). Subsequently, the applicants offered to provide 35.7% affordable housing with a policy-compliant tenure split on a 'without prejudice' basis and with the proviso that a late stage review mechanism would not be required. The scheme was approved on this basis, and secured 15 affordable units in total, representing 35.7% by unit and 35% by habitable room. Of these, 11 units were for affordable rent (3 x 1bed, 5 x 2bed and 3 x 3bed) and 4 units for shared ownership (3 x 1bed and 1 x 2bed), representing a tenure split of 78:22 (by habitable room) in favour of affordable rent. The affordable rent units were secured at 80% (for 1bed and 2bed units) or 60% (for 3bed units) of market rent levels, and capped at Local Housing Allowance, which is compliant with Policy DMP15. The scheme is also subject to a pre-implementation financial review that would be triggered if a substantive material start has not been made within two years of planning permission being granted.
21. The consented scheme also provided a policy-compliant proportion of family sized units at 26% (the total housing mix being 17 x 1bed, 14 x 2bed and 11 x 3bed).

### Proposal

22. The current proposal includes 11 units for affordable rent at London Affordable Rent levels (3 x 2bed and 8 x 3bed) and 4 units for shared ownership (4 x 3bed) out of a total of 52 units. Whilst this is the same number of units as in the consented scheme and a lower proportion by unit (28.85%), the proportion by habitable room is slightly higher (at 36.5% compared to 35%). This reflects the inclusion of a significantly higher number of 3bed units amongst the affordable housing offer (8 homes compared to 3 homes in the consented scheme), which is welcomed as the provision of family-sized affordable rented units in particular helps to meet a specific high-priority housing need within Brent. The Affordable Rented accommodation is proposed as London Affordable Rent, which meets emerging policy expectations. This compares well to the extant consent, which could still be delivered and would provide units with higher rent levels and fewer 3bed Affordable Rented homes. As such, this is considered to be a significant benefit of the scheme.
23. As the proposal involves the redevelopment of industrial land, the relevant threshold level to trigger the fast track route provided in the draft London Plan is 50%. The proposal does not meet this threshold level, and an update to the Financial Viability Appraisal prepared by Redloft for the consented scheme has been submitted. This adopts a benchmark land value (BLV) of £803,000 and other key assumptions agreed between the applicant and the Council in the determination of the consented scheme and secured in the s106 agreement). It demonstrates that the scheme is in deficit by approx £4.03m and therefore not economically viable and not able to support any additional affordable housing.
24. BPS Chartered Surveyors were commissioned to conduct an independent assessment of the affordable housing position on behalf of the Council. Their report of 10 September 2020 proposes a lower BLV of £743,000 and reduces the extent of the deficit to £3.5m, but is otherwise in broad agreement with the applicant's position. Consequently, your officers consider that the proposal would deliver significantly above the maximum reasonable amount of affordable housing provision on the site. A late stage review mechanism would be required to secure an additional contribution to affordable housing if the viability of the scheme improves sufficiently. Whilst this was not secured on the consented scheme as the affordable housing proposed was considered to be significantly beyond the maximum reasonable amount, it remains a policy requirement and the applicants have agreed to it in this case.
25. The housing mix proposed is 14 x 1bed, 24 x 2bed and 14 x 3bed, representing 27% family sized units, a slight improvement on the consented scheme. The mix proposed is compliant with Brent's Policies CP2, CP21 and emerging Policy BH6 in securing family-sized units to exceed the policy target of 25%.

### **Design, scale and appearance**

#### Policy background

26. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, being sympathetic to local character and history, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. Further detailed design principles are set out in Chapter 7 of the London Plan and Chapter 3 of the draft new London Plan, and in Brent's Policy DMP1 and the Brent Design Guide SPD1. Draft Local Plan Policy BD1 also seeks a high standard of design quality.
27. Brent's emerging Policy BD2 defines a tall building is one that is more than 6 metres above the general prevailing heights of the surrounding area or more than 30 metres in height, and directs these towards Tall Building Zones, intensification corridors, town centres and site allocations. Tall buildings must be shown to be positive additions to the skyline that would enhance the overall character of the area, and should be of exceptional design quality. More specific guidance is given in the draft Tall Buildings Strategy. The proposed site allocation BESA1 Coombe Road seeks heights of up to five stories on Coombe Road and five to six stories on Blackbird Hill.
28. The immediately surrounding area on Coombe Road is of mixed character combining commercial, industrial and residential uses, with buildings of varying scales. These include a fast-food restaurant and industrial units which are all low rise buildings, the bulky three-storey Shurgard House building, and the four-storey residential building Roger Stone Court. Along Blackbird Hill / Neasden Lane, buildings are generally two- to three-storey, and residential side streets to the northwest and southeast are generally two-storey. However, Coombe Road forms an enclave between these traditional residential areas, separated from them as it sits between the River Brent and Brent Canal Feeder, and has a very different character.
29. The site allocation anticipates that neighbouring sites may come forward for redevelopment in the future, so to some extent the character of the area can be expected to evolve further. There are no in-principle objections to the demolition of the existing buildings, and the site allocation supports a contemporary approach to the design of new development in this area.

#### Site layout

30. The two commercial units would provide an active frontage addressing the street across the ground floor, interspersed by smaller areas of inactive frontage providing entrance to the car park, bin storage and a secondary entrance to the rear of the building to allow for maintenance, refuse collection and fire escape access. The residential cores would be set back behind the commercial units and accessed via a shared corridor to create a T-shaped layout providing open views across the rear of the site to the riverside, however the central location of the residential entrance between the two commercial units would provide legibility and a strong sense of arrival for residents.
31. The ground floor parking area would be set back from the frontage behind a gated entrance and shielded from public view by the building, whilst the extent of hard surfacing within the layout would be softened by the provision of small areas of soft landscaping within the parking area and of timber carports to support climbing plants. The remaining area at ground floor level to the north of the building would provide communal residential amenity space which would be easily accessible from the residential cores, particularly from Core B. Although this area would not be overlooked at ground floor level by residential units, there would be a degree of natural surveillance from the upper floors and from the rear of the commercial unit, Unit B, and consequently the location of this amenity space is considered to be acceptable.
32. Compared to the consented scheme, the proposal would deliver some minor improvements to the layout, including a more prominent residential entrance and reduced extent of louvred doors to the bin store, which would enhance both the visual appearance of the building from Coombe Road and the arrival experience of residents. Discussions with the Secure by Design officer have resulted in commercial parking spaces being provided on-street and commercial cycle storage within the commercial units, so that the enclosed car parking area could be secured for the use of residents only, and the residential cycle storage racks would be moved further from the rear boundary and screened by louvres so as to discourage cycle theft.
33. The affordable units would be located in Core B, towards the rear of the site. In the consented scheme, affordable units were dispersed more widely throughout the building, however this was found to be unattractive to registered providers as their preference is to have sole management responsibility for a separate core. Both cores would share access through the front entrance and, whilst the route to the affordable core would be longer and less convenient for residents, these units would have the benefit of

outlook onto the riverside, easier access to the ground floor amenity space and less disturbance from traffic and other noise on the street.

#### Height, bulk and mass

34. The proposed building would be a maximum of seven stories high, and would extend across the full width of the site frontage (other than on the northeastern boundary with Roger Stone Court, where a 2.7m set in from the side boundary would allow for the secondary access to the rear of the building) on the ground, first and second floors. It would be set in quite substantially from the northeastern boundary on the third floor, with a further set in on the fourth and fifth floor, and again on the sixth floor, which would be of a modest extent in comparison to the overall scale of the building and size of the site. On the boundary with Shurgard House, the building would be fully seven stories high. The rear element of the building would occupy the centre of the site, being set in substantially from both side boundaries, and would be partly five and partly six stories in height, with a central linking section of four to six stories.
35. In comparison, the consented building would be up to six stories high, extending to the same width and having the same general building form but being progressively more set in from the boundary with Roger Stone Court on the third, fourth and fifth floors. Essentially, the proposed building would be one storey taller than the consented building, with some minor alterations to the overall bulk and mass. The height of the consented building was considered to be appropriate in the context of the adjacent Roger Stone Court, a largely four-storey building with a steep gable roof adding extra height. As noted above, the site allocation supports new development of up to five stories, with the upper storey set back and a reduction to four stories on the edges. The sixth storey, although not explicitly supported by the site allocation, was considered to represent a modest increase in relation to the height of Roger Stone Court and given its modest overall footprint. As with the consented building, stepping down the building line as it approaches the side boundary with Roger Stone Court is also seen as appropriate as a response to the design of that development and to reflect the smaller scale of the existing residential building.
36. The proposed building would also exceed the maximum heights recommended in the draft site allocation. However, given the existing character of Coombe Road and the proposed site allocation, it is considered that the site presents an opportunity for a taller building than would otherwise be acceptable, in order to make the most efficient use of the site and to optimise its development potential. Although neighbour objections have expressed concern regarding the height of the building in relation to traditional residential streets in the wider surrounding area, your officers consider that due to the location of the site and the character of the immediately surrounding area, the building would not appear overly imposing or dominant. To the northeast of the site, the River Brent provides a 20m buffer zone, including extensive tree cover on both river banks, between the rear boundary and the rear gardens of properties on Birchen Grove. To the east, the site is separated from the rear gardens of properties on Braemar Avenue by the industrial buildings on the east side of Coombe Road and the Brent Canal Feeder, establishing a distance of 70m from the site. To the south, the site is separated from properties on Oaksid e Terrace by the London Distributor Road and the extensive bulk of Shurgard House, at a distance of 100m. The applicants have submitted streetscene images to demonstrate that the visual impact of the building on neighbouring traditional residential areas would be very limited, and that it would have an acceptable relationship with the surrounding streetscene on Coombe Road and Blackbird Hill / Neasden Lane. The impact on light, outlook and privacy of neighbouring properties is a closely related issue and is considered in more detail in paragraphs 50 to 58 below.
37. It is considered that the building would respond positively to the character of the prevailing area and would not be detrimental to the streetscene. The height, bulk and mass of the building are considered to be acceptable in this instance, subject to other planning considerations which are discussed below.

#### Architectural design and materials

38. The architectural approach, as for the consented scheme, has a contemporary emphasis, with elements of different heights modulating the overall bulk and mass, and areas of flat roof utilised for roof terraces and photovoltaic panels. The upper residential floors would be set back on the front elevation so as to avoid the impression of the building being overbearing within the street scene and, coupled with the distinct architectural treatment of the commercial floors, this set back would create a clear visual distinction between the base and middle of the building, solidly grounding the development and creating a harmonious relationship with the street scene. The progression of set in and set back sections on the upper floors would further reduce the impression of bulk and mass, whilst the rhythm of fenestration including the repetition of window patterns on alternating floors and the combination of recessed and projecting balconies would provide additional articulation to emphasise the verticality of the building.

39. As with the consented scheme, materials have been indicated on the plans, with the facades being primarily in brick including brick corduroy patterning on the ground and first floors, and a landscape strategy has been submitted, incorporating tree planting, a children's play area, shrub borders within the parking area and roof terrace amenity areas. However further details of materials and landscaping would be required by condition.

## **Residential living standards**

### Internal amenity

40. Policy DMP18 states that the size of the dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. Draft London Plan Policy D6 also sets out minimum space standards for new dwellings. The development includes the creation of 52 residential units, all of which would meet or exceed technical space standard requirements for their respective size and occupancy levels. The internal layouts are considered to make efficient use of the space and to provide good levels of light and outlook to all habitable rooms. There are a few instances of adverse stacking, and it is recommended that sound insulation measures are required by condition to ensure that this does not create unacceptable noise levels.
41. The Mayor's Housing SPG and draft London Plan Policy D6 seek to minimise the number of single aspect dwellings, and to avoid single aspect dwellings that are north facing or those that are at risk of being exposed to detrimental noise levels. Three-bedroom units should also be designed to be dual aspect. Of the 52 units proposed, 23 are proposed to be dual aspect. Whilst this is relatively low as at proportion, at 44% of the units, the single aspect units would all be smaller units within the private element in Core A, whereas the affordable and family-sized units would all be dual aspect. The overall proportion is broadly comparable to the consented scheme, which provided 19 of 42 single aspect units (45%), and reflects the emphasis in this application on locating most of the family-sized units in the affordable core. A maximum of eight flats per core is recommended in the Mayor's Housing SPG and the proposal complies with this requirement (other than on the second floor of Core A, which slightly exceeds this with nine flats).
42. Five wheelchair accessible units are proposed, which provides the 10% required by the Mayor's Housing SPG, and these are generously sized in order to accommodate the additional requirements for wheelchair accessible homes. A condition would be required to ensure that these units comply fully with the Building Regulations M4(3) standards and that the remaining units comply with the M4(2) 'accessible and adaptable homes' standards.
43. The Daylight & Sunlight Report finds that 98% of living spaces would meet the recommended target of 1.5% Average Daylight Factor for living rooms and that 88% would meet the 2% target for kitchens, whilst 100% of the bedrooms would meet the target of 1%, and concludes that the amenity benefits associated with providing balconies (which obstruct daylight and sunlight to rooms below) could offset any reduced level of daylight. In terms of sunlight, 100% of windows with an orientation facing within 90 degrees of due south would comply with the Annual Probable Sunlight Hours test. These results are the same as for the consented scheme.
44. Overall the standard of accommodation proposed is considered to comply with all the relevant standards and is acceptable.

### External amenity

45. Policy DMP19 and emerging Policy BH13 state that 50sqm of external amenity space should normally be provided for family sized units (3plus bedrooms) at ground floor level and 20sqm for all other units. The policy sets out that this should be in the form of private external amenity space but recognises that where this cannot be achieved, communal amenity space contributes towards the policy targets. This is a significantly higher policy standard than that specified in the Mayor's Housing SPG, which requires a minimum of 5sqm of private outdoor space for 1-2bed dwellings with an extra 1sqm to be provided for each additional occupant.
46. All units would have access to private balconies or terraces in accordance with the Mayor's Housing SPG, and communal amenity space would be provided to supplement these and compensate for the shortfall in private space. The communal spaces would be landscaped as demonstrated in the landscaping strategy submitted, and would include a ground floor play area. Further details of

landscaping would be required by condition.

47. The provision of amenity space has been assessed against the requirements of Policy DMP19 as follows (there are no ground level units, and so the policy requirement for each unit is 20sqm):

|   | Core A | Core B        |
|---|--------|---------------|
| Policy target - number of units x 20sqm             | 740sqm | 300sqm        |
| Cumulative shortfall in private amenity space       | 434sqm | 171sqm        |
| Pro-rata share of 210sqm ground floor amenity space | 150sqm | 60sqm         |
| Third floor roof terrace                            | 55sqm  | not available |
| Sixth floor roof terrace                            | 87sqm  | 75sqm         |
| Residual shortfall                                  | 142sqm | 35sqm         |

48. For both cores, a small residual shortfall in amenity space provision would remain, however this is considered acceptable in the context of a high density urban development and given that Core B, consisting of predominantly family-sized units in affordable tenures, would have a smaller shortfall overall and would also have more convenient access to the ground floor communal amenity space. Residents would also have access to a 3m wide buffer strip at the rear of the site, which would provide maintenance access to the River Brent for Environment Agency staff but would be mainly grassed and would provide a pleasant space on the riverside. This buffer strip would be secured as part of a permissive public right of way which would be opened up at such time as the adjoining sites come forward for redevelopment, but would continue to have an amenity value for residents.

#### **Relationship with neighbouring properties**

49. 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 private rear garden boundaries, measured from a height of 2m above ground level, in order to ensure acceptable levels of light and outlook are maintained for existing properties. Separation distances of 18m to habitable room windows and 9m to private garden boundaries should be maintained in order to ensure adequate privacy for existing and proposed residents. 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).

#### Separation distances and privacy

50. A separation distance of at least 11.05m would be maintained from the edge of the closest terrace to the boundary with Roger Stone Court (13.15m from the main building façade) which exceeds the requirement of 9m as set out in SPD1. A minimum distance of 17.8m would be maintained from the edge of the balcony to the flank wall windows in Roger Stone Court (20m from the main building façade). Whilst the distance from the edge of the balcony marginally falls short of the guidance set out in SPD1 by 0.2m, the shortfall is not considered to result in an unduly significant loss of privacy to the occupants of Roger Stone Court. Furthermore, the separation distance is the same as that of the consented scheme. Towards the front of the building, there are flank wall windows and edges of the balconies within 9m of the boundary with Roger Stone Court. As these windows are not the sole means of outlook from habitable rooms within unit A2.06, these flank wall windows are recommended to be obscured glazed and opening at high level only. Likewise, it is recommended that a 1.7m high screen is proposed to the balcony of this flat to prevent direct overlooking into Roger Stone Court. It is also recommended that screening is secured around the amenity space for the industrial unit and the third floor residential communal garden to prevent overlooking into Roger Stone Court. Such details are recommended to be secured to any forthcoming consent.
51. A separation distance of over 14m would be maintained to the boundary with the Shurguard site to the

south. Towards the front of the building where the building is located along the boundary, no windows are proposed in the flank elevation. This would allow future redevelopment of the neighbouring sites to come forward without prejudicing the privacy of any neighbours, and therefore would not undermine the wider site allocation.

52. To the northeast of the site, Nos 8 to 16 Birchen Grove are directly to the rear boundary of the site, whilst other properties on Birchen Grove have a more oblique relationship with it. The River Brent provides a 20m separation distance from the rear boundary of the site to the rear garden boundaries of these properties, which results in the habitable room windows at the rear of the proposed development being approximately 23m from these rear boundaries. The rear boundary of the site is approx 50m distant from the rear building line of these properties, and the rear habitable room windows in the proposed development would be approx 53m from these windows. Notwithstanding neighbour objections raised in relation to overlooking and loss of privacy, these distances significantly exceed the requirements set out in SPD1 and are considered to be sufficient to ensure that neighbours' privacy is not compromised. Furthermore, a belt of mature trees on each riverbank provides further screening between the two sides of the river.

### Light and outlook

53. For buildings that neighbour a new development, the industry standard guidance by the Building Research Establishment (BRE) suggests that daylight to an existing property will be adversely affected by the development, if its windows achieve a Vertical Sky Component (VSC) below 27% and have their levels reduced to less than 0.8 times their former value, and if the levels of No Sky-Line Contour (NSC) within rooms are reduced to less than 0.8 times their former values. For sunlight the relevant test is the Average Probable Sunlight Hours (APSH) that occupiers will notice the loss of sunlight if the APSH to main living rooms is both less than 25% annually (with 5% during winter) and that the amount of sunlight, following the proposed development, is reduced to less than 0.8 times its former value.
54. 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. Recent appeal decisions have established that 15% VSC can be considered as providing acceptable levels of daylight within dense urban contexts.
55. Side-facing windows at Roger Stone Court could potentially be affected by the proposal in terms of loss of light and outlook, particularly as the nearest such windows are located only 5m distant from the boundary. To address this issue, the central linking element of the proposed building would be set back at fourth floor level and above in order to ensure that the building sits within the 30 degree line from the nearest ground floor side-facing windows. The Daylight and Sunlight Report notes that the windows on this elevation are generally overhung by balconies or the protruding roof element, and that features such as these can restrict existing views of the sky and exaggerate the effects of relatively modest obstructions on the site opposite. Of the 20 side-facing windows assessed, 12 would meet the BRE targets by retaining both VSC levels and NSL levels within 0.8 times their existing value. This result is the same as for the consented scheme. The remaining eight windows would experience reductions in daylight (VSC) slightly beyond 0.8 times their former value, but would still retain VSC levels between 17.3% and 22.8% (compared to VSC levels of between 19% and 25.3% on the consented scheme and the BRE target value of 27%). The NSL levels within these rooms would be reduced to between 0.3 times and 0.5 times their former value, compared to the target of 0.8 times. This is a similar result to the consented scheme.
56. In terms of sunlight, windows facing within 90 degrees of due south were tested and all but one of these would retain APSH levels exceeding the BRE target of 25% annual sunlight and at least 5% during the winter months, and the remaining window would retain 44% annual sunlight and 4% in the winter months, only marginally below the target.
57. Although no information has been provided on this point by the applicant, given the design of the building and the size of the windows it is considered unlikely that all of these windows serve habitable rooms. Furthermore, the windows affected on Roger Stone Court are located only 5m distant from the application site, facing onto the shared boundary, which would not be compliant with Brent's current policies on the relationship with neighbouring properties. It should also be noted that these side facing windows currently face out onto industrial buildings and the associated open storage yard, and officers are therefore of the view that the overall quality of outlook would be improved as a result of redeveloping the site. The levels of daylight for these eight windows do fall below BRE guidance levels, however

weight must be given to recent appeal decisions establishing that lower levels are acceptable in urban contexts. Given the dense urban nature of the area and the improved outlook for these windows which currently overlook an industrial building and yard, it is considered that they would still achieve reasonable levels of daylight. In view of this, the impact to the neighbouring property is not considered to be unduly detrimental.

58. There are no private rear gardens at Roger Stone Court and the side boundary is to a parking area, to which the 45 degree line does not apply. The proposal would not breach either the 30 degree line or 45 degree line from properties on Birchen Grove due to the 20m separation distance. The distance between the rear boundary of the site and the rear boundaries of these properties varies from 18m to 20m, and the proposed building would be set back from the rear boundary by an additional 3m to make a total separation distance of 21m to 23m. The long section drawing No 210D shows the neighbouring rear boundary at 21.3m from the proposed building, which slightly exceeds the shortest actual distance and so is considered a robust measure. The two closest neighbouring boundaries, of Nos 10 and 18 Birchen Grove, would both face onto the rear projecting element of the building at oblique angles and would face directly onto parts of the site where the building would only occupy the front of the site. All other boundaries are 20m from the site and 23m from the proposed rear building line. Consequently and notwithstanding drawing No 210D it is considered that the building would sit comfortably within the 45 degree line from these rear boundaries. There are no other existing residential properties that would potentially be affected by the proposal in terms of loss of light and outlook.

### **Flood risk, drainage, trees, biodiversity and relationship with River Brent**

#### Flood risk and drainage

59. The NPPF aims to direct development towards areas of the lowest practicable flood risk and to ensure that all development is safe, without increasing flood risk elsewhere. A Flood Risk Assessment is required for all development in Flood Zones 2 and 3 however, for sites that have been allocated for redevelopment the sequential test is not required. Brent Policy DMP9A requires proposals requiring a Flood Risk Assessment to contribute to flood risk management and reduction, and provides specific criteria for assessing such applications including the provision of a dry means of escape and finished floor levels at least 300mm above the modelled 1 in 100 year plus climate change flood level. Policy DMP9B also requires sustainable drainage measures for major developments.
60. The majority of the site is located in Flood Zone 2 and some areas near the riverbank are located in Flood Zone 3, as defined on the Environment Agency mapping system. However the site is enveloped by Flood Zone 3 and is therefore regarded as being entirely within Flood Zone 3 and at high risk of fluvial flooding. The requirement for a sequential test set out in the NPPF has been addressed through the proposed site allocation.
61. A site-specific Flood Risk Assessment has been submitted, and this concludes that only a very small portion of the site to the rear would be anticipated to flood, with very shallow depths, although the entire site is at risk of flooding with the application of climate change. The site layout takes into account the risk of flooding, with open landscaping and an open cycle storage facility within Flood Zone 3 and the bulk of the commercial and residential floorspace in Flood Zone 2. The cycle storage would be enclosed by full height steel railings and louvre panels, and would be allowed to flood in order to improve floodplain storage. Floor levels of plant storage areas would be located above the 300mm level recommended in Policy DMP9A. Materials and detailed design features would enhance flood resilience, for example in the location of electrical wiring.
62. The previous proposal benefited from extensive discussions with the Environment Agency, as a result of which the built footprint at ground floor level was reduced to 678sqm (compared to the existing footprint of 700sqm). The proposed layout retains the same built footprint at ground floor level. Residential uses, which are classified as 'more vulnerable' in terms of flood risk, are located at first floor and above, whilst occupiers of the commercial units would also have internal access to the first floor of the units which would provide safe refuge in the event that the site became flooded and safe evacuation was not available.
63. The Environment Agency have been consulted and have raised no objections, subject to an informative regarding the need for a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016. Whilst on the consented scheme, a condition was requested relating to a flood resilience and flood proofing scheme for the development, the Environment Agency have subsequently reviewed their risk bars and no longer require these conditions. As noted above, the Flood

Risk Assessment includes a range of flood proofing and flood resilience measures including evacuation procedures, and a condition is recommended to require these to be implemented.

64. The Sustainable Drainage Strategy submitted proposes to use a combination of green roofs, tanked geo-cellular storage, lined permeable paving in the parking area, and eventual discharge of surface water runoff directly to the River Brent via a proprietary SuDS system and a hydrobrake. These are the same measures proposed for the consented scheme, and result in the same discharge rates representing an 83% increase on the existing rates. The proposal also includes appropriate measures to mitigate flooding on site and within the surrounding area.
65. Thames Water have also been consulted and have identified the need for upgrades to the surface water network in order to prevent increased risk of surface water flooding. This would also be secured by condition.

#### Relationship with River Brent

66. Policy DMP9 requires riverside development to improve access to the waterways and to provide an appropriate landscaped set back, and a set back of at least 8m from a main river is required by the Environment Agency to allow for maintenance and protect the open character of the riverside and wildlife habitats.
67. As with the consented scheme, the proposal would retain a 3m undeveloped buffer strip at the rear of the site, which would also provide maintenance access for Environment Agency personnel. The riverbank beyond the rear site boundary itself is approximately 5m in depth, and consequently the 3m buffer strip would ensure that built development would be located at least 8m from the riverbed. Transportation officers have requested a 3m wide adoptable public footpath at the rear of the site (this issue is discussed further in paragraph 93). This would comply with the aims of Policy DMP9 to provide public access to the riverside, and the Environment Agency have previously agreed to the use of the buffer strip in this way.

#### Trees and biodiversity

68. London Plan Policy 7.19 requires development proposals to make a positive contribution to the protection, enhancement, creation and management of biodiversity. Core Strategy Policy CP18 also supports the enhancement and management of open space for biodiversity and nature conservation and protects open space of value, including waterways, from inappropriate development. Although not currently accessible to the public or available for recreational purposes, the riverbank is part of a designated Green Chain and Site of Importance for Nature Conservation (SINC) (of Borough Importance Grade II), and part of the Blue Ribbon Network.
69. A review of SINC sites was carried out for the Council in 2014 (this site is known as Harp Island, ref B1106). This section of riverbank includes a number of trees, which are noted as making an important contribution to the SINC and are also a planning consideration in their own right on both arboricultural and visual amenity grounds.
70. A preliminary ecological appraisal was submitted, based on a desk study and site survey. The site was assessed for the potential to support a range of protected species, including an external investigation of the building to assess the potential for bat roosts. As the site consists almost entirely of hardstanding and buildings, it is considered highly unlikely that protected species would be present on site, due to the lack of any suitable habitat. The riverbanks were observed to be dominated by Japanese knotweed, an invasive species, and fly-tipping was observed in the canal. However the tree line was considered to provide good opportunities for birds and foraging bats. Overall, the appraisal concluded that the development would not have any adverse impacts on biodiversity interests.
71. A condition is recommended to require approval of external lighting, together with bat boxes, bird boxes and suitable planting and green roofs. The Environment Agency previously requested a condition for a removal and management strategy to deal with the Japanese knotweed, however this has not been requested on this application due to changes in the scope of Environment Agency activities. Control of invasive species is in any case subject to separate legislation outside of the planning system.
72. A Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement was submitted. This identified two trees and four tree groups on or near the site, and as with the consented scheme recommended removal of part of two low quality groups of trees and one Hawthorn tree which has

significant deadwood throughout the crown, with replacement tree planting to be provided as part of the landscaping scheme which includes 16 new trees to replace 5 that are to be lost. The Tree Officer has raised no concerns in relation to the proposal, subject to the development being carried out in accordance with the approved documents, and has welcomed the suggestion of a pre-commencement meeting, which is proposed as a separate pre-commencement condition to which the applicant has agreed.

## **Environmental Health**

### Air Quality

73. As the site falls within an Air Quality Management Area and includes residential uses, London Plan Policy 7.14 requires proposals to demonstrate that development would be 'air quality neutral', that is that it would not worsen existing air quality. An Air Quality Assessment has been submitted. The methodology of this assessment is considered to be acceptable in relation to air quality, subject to the design of the development and proposed heating and transport emissions remaining as per the assessment.

### Noise

74. A Noise Assessment was submitted, in which noise on the site from surrounding noise sources was surveyed. The main source of noise was road traffic, and glazing and ventilation to dwellings were recommended as mitigation measures. Environmental Health officers have reviewed the Assessment and accept its conclusions. Conditions are required to secure an assessment of plant noise and any mitigation measures necessary to achieve the required noise levels in the residential units, together with a scheme of sound insulation measures to prevent transmission of noise between commercial and residential areas, and the design and testing of residential areas in accordance with BS8233 to ensure the required sound insulation is obtained and noise nuisance prevented.

### Land contamination

75. The proposed site has been identified as potentially contaminated and the application has been supported by a Phase 1 assessment. This has identified that site investigation works are required. Environmental Health officers agree with this conclusion and have requested conditions to secure a site investigation together with any necessary remediation works and verification.

### Construction noise and dust

76. Due to the proposed demolition and construction being close to existing residential properties, Environmental Health officers have requested a Construction Management Plan to ensure that noise, vibration and dust are controlled during the demolition and construction phases. This would need to be submitted as a pre-commencement condition as it applies to the construction process as a whole, and the applicant has agreed to this.

## **Sustainability and energy**

77. Major residential developments are expected to achieve zero carbon standards in accordance with London Plan Policy 5.2, which requires an Energy Assessment setting out how these standards are to be achieved. Any shortfall in achieving zero carbon emissions would need to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £60. A BREEAM Excellent rating would be required for commercial floorspace of 1000sqm or more, however this requirement does not apply in this case as the proposed commercial floorspace is less than 1000sqm.

78. An Energy and Sustainability Statement has been submitted, demonstrating that the development employs a highly efficient building fabric, including well insulated walls and high-performance glazing, in accordance with the 'Be Lean' principle in London Plan Policy 5.2. There are no district energy networks within a 2m radius of the site, and combined heat and power or community energy systems are not viable on a scheme of this size, and consequently no reductions have been made in the 'Be Clean' category. PV Panels are specified on all roof areas that are not used to provide amenity space, in accordance with the third 'Be Green' priority, and other renewable technologies are reviewed but found not to be suitable to the scheme. Overall the residential element of the proposal achieves a 28.5% reduction in emissions against to the Part L baseline (compared to a 29% reduction for the consented scheme), and the commercial element achieves a 37% reduction (the same as the consented scheme). Although the

residential element does not achieve the policy target of 35% on site, this was accepted in the determination of the consented scheme as the limited footprint required to minimise flood risk coupled with the use of roof terraces to provide amenity space reduces the amount of roof available for PV panels. However, the development would be future proofed to allow connection to a district heating network should one become available in the future, and further details of this would be required by condition, together with details of the PV panel array.

79. The remaining carbon emissions to achieve a zero carbon development would be offset by a financial contribution to Brent's carbon offsetting fund, which at this stage is estimate to be £85,939 for the residential element and £7,956 for the commercial element. This sum would be secured via the s106 Agreement, together with submission and approval of an updated Energy Assessment calculating emissions for the commercial and residential elements separately at both the detailed design stage and again following completion.
80. The Statement also demonstrates that water fittings would be specified to achieve the London Plan target water consumption of 105litres per person per day, and that responsible sourcing of building materials would be employed.

### **Transportation, parking and servicing**

81. The NPPF requires applications for development generating significant transport impacts to be accompanied by a Transport Assessment. Parking standards for new developments are given in Policy DMP12 and Appendix 1 of the Development Management Policies, whilst servicing requirements are given in Appendix 2 and Policy DMP11 provides criteria for new or altered road accesses. Cycle parking is required in compliance with the London Plan (two spaces per 2bed and 3bed flat, or one space for 1bed flats, and one space per 150sqm of office space or 250sqm of light industrial floorspace or 500sqm of B2/B8 floorspace) in a secure weatherproof location, whilst draft London Plan Policy T5 proposes higher standards for residential use, namely 1.5 spaces per 1bed flat and 2 spaces for larger dwellings . Detailed guidance on bin storage requirements is given in the Waste Planning Guide, with storage locations required to be within a maximum 30m carrying distance from any individual flat (excluding vertical distances) and to allow for collection within a 20m carrying distance (10m for larger Eurobins).
82. Coombe Road is a short cul-de-sac comprising a mixture of industrial, commercial and residential uses, located off Blackbird Hill, a London Distributor Road. It is considered to be a heavily parked street and there is evidence that vehicles frequently park on the footway. The site has medium accessibility to public transport (PTAL 3) and as such is subject to the higher maximum residential parking allowances given in Appendix 1, whilst the location northwest of the Dudding Hill rail line allows one space per 200sqm of gross employment floorspace.
83. The existing site comprises two industrial units, served by separate accesses, and three parking spaces would be allowed for the existing 675sqm floorspace. The site frontage can accommodate about six cars, which exceeds the standards. The proposed 728sqm of employment floorspace would be allowed a maximum of three parking spaces, whilst the proposed residential use would be allowed a maximum of 59 spaces. The employment floorspace would also require a servicing bay.
84. The draft London Plan sets out lower parking standards, within a wider policy context of encouraging car-free developments and more sustainable travel choices. These standards would be adopted within Brent through the adoption of the emerging Local Plan, and allow up to 0.75 spaces per dwelling in outer London PTAL 3 areas, which would equate to a maximum allowance of 39 spaces for this development.
85. The applicant's Transport Statement provides 2011 Census data for car ownership in the Welsh Harp ward, indicating that this development would have a projected car ownership of 38 cars, which is in line with the draft London Plan parking allowance. However, a more localised examination of data for the immediate Census output area shows car ownership for flats averaging at 0.52 cars per flat, suggesting that future car ownership for this development could be as low as 27 vehicles.
86. The proposal is to retain an existing dropped kerb at the southwest of the site, providing access to a parking area at the rear of the building and partly in an undercroft. The parking area would be gated, with the gates set back from the footway by 6.5m to allow adequate space for cars to wait away from the highway whilst the gates are opened. A total of 27 on-site parking spaces are proposed, equating to a parking space for 52% of the units (this is a slightly reduced level compared to the consented scheme, which proposed 29 spaces to serve 42 units, equating to a space for 69% of the units). Four of the spaces are shown as being for disabled use, which would comply with the requirement in Appendix 1 of

the Development Management Policies for 10% of spaces to be for disabled use.

87. To assess the potential impact of any overspill parking that may occur, an overnight parking survey was carried out on 5 and 6 June 2018 (as submitted previously for the consented scheme). The survey found a parking stress of 87% to 89% in the wider area, but noted that parking totalled only three to four cars in Coombe Road, which has overnight parking capacity for about 15 cars. As such, the road is lightly parked at night, so could safely accommodate some overspill parking from a residential development, with space for about six to seven cars along the site frontage.
88. As such, Transport officers consider this level of provision to be sufficient to meet likely future demand, with space available along the site frontage to safely accommodate any further demand that may overspill onto the street. Although no dedicated parking spaces would be provided for the commercial units, commercial tenants would be able to use the on-street parking along the site frontage, which would also then be available for use by residents in the evening and at weekends. A Travel Plan Statement is proposed to be provided for the development, which is appropriate to the scale of the proposal. This will not require on-going monitoring, but will require an action plan setting out proposed measures to minimise car use. The approval of a suitable plan would be secured by condition.
89. The redundant dropped kerb at the northeast of the site would be removed at the applicant's expense in order to provide an on-street loading bay for the commercial units, as in the consented scheme. A swept path diagram has been provided, showing an 8m long lorry turning within the highway of Coombe Road, which is acceptable and is comparable to the existing situation whereby the industrial units are serviced by vehicles using the site frontage and turning within the cul-de-sac. The street is heavily parked during the day, with vehicles parked blocking the footway, accesses and the turning circle. However, this may improve in future with the removal of the existing businesses from this site.
90. London Plan Policy 6.13 requires 20% of all car parking spaces to be served by charging points for electric vehicles with passive provision of the necessary infrastructure to install charging points for an additional 20%. The Transport Statement Addendum confirms that this provision will be made, however no details have been provided and consequently a condition is recommended to require these details to be submitted.
91. Draft London Plan standards require 97 spaces for residential use, and the proposal would provide 98 spaces at the rear of the site in a separate secure cycle store. Following discussions with the Secure by Design officer, commercial cycle storage would be provided within the commercial units, in order to provide more convenient access for commercial users and secure the use of the car parking area for residents .
92. Bin storage would be provided at two locations. The store for Core A comprises eight x 1,100l Eurobins and four x 240l bins, and would be located at the front of the site within 10m of the highway near the proposed loading bay, which would allow straightforward access for collectors as well as a convenient 20m carrying distance for residents. The store for Core B comprises 23 x 240l bins and would be located at the northernmost point, set back into the site at the rear of the larger commercial unit approximately 12m from the highway and 15m from the carriageway, and within a 20m carrying distance of Core B for residents. Although the bins would be within an acceptable wheeling distance of the highway for smaller bins, arrangements would need to be made with the Council's Waste and Recycling Service for the refuse team to access the site, which is gated. Submission of a Delivery and Servicing Plan would be required to demonstrate that adequate arrangements would be in place.
93. Transport officers have requested that the 3m buffer strip along the rear site boundary with the riverbank be used to provide a public footpath. The two adjoining sites, Shurgard House and Roger Stone Court, are both subject to s106 Agreements requiring the provision of adoptable public footpaths along the riverbank, and the provision of a similar footpath at the rear of this site would enable the three lengths of footpath to be linked together, formally dedicated as public highway and opened up for public use (the footpath to the rear of Shurgard House is currently gated and locked). The footpath would be constructed to adoptable standards, with hard surfacing and two lighting columns linked to the cabling for the existing lighting along the footpath to the rear of Shurgard House. This is considered to be a significant positive feature of the development, enhancing the ability of the public to enjoy the riverside location and improving pedestrian accessibility and permeability in the area. Provision of the footpath would be secured through the s106 Agreement.

## **Equalities**

94. 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

95. 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 and completion of legal agreement.

96. Whilst the quantum of industrial workspace proposed does not reflect the full industrial capacity of the site, this has to be weighed up against the constraints of the Flood Zone designation, the wider planning benefits of redeveloping the site for co-location of industrial and residential uses, and the fallback position provided by the consented scheme. The tallest element of the building would exceed the maximum heights set out in emerging Policy BESA1 but would have a relatively modest bulk and overall the impact on the character of the area and neighbouring properties is considered acceptable. There would be a small shortfall in amenity space provision against Policy DMP19. However the wider benefits of redeveloping the site, including the provision of 52 new homes with a high proportion of family-sized units and affordable units, are considered to outweigh the limited harm. As such, the conflict with Policy DMP14 and the proposed BESA1 site allocation is limited.

## CIL DETAILS

This application is liable to pay **£1,785,022.50** \* 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): 671 sq. m.

Total amount of floorspace on completion (G): 6183 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   | 755                           | 0                                  | 673.06                            | £0.00                         | £0.00                           | £0.00           | £0.00             |
| (Brent) Dwelling houses                 | 5428                          | 0                                  | 4838.94                           | £200.00                       | £0.00                           | £1,443,039.59   | £0.00             |
| (Mayoral) Businesses and light industry | 755                           | 0                                  | 673.06                            | £0.00                         | £60.00                          | £0.00           | £41,759.19        |
| (Mayoral) Dwelling houses               | 5428                          | 0                                  | 4838.94                           | £0.00                         | £60.00                          | £0.00           | £300,223.72       |

|  |               |             |
|--|---------------|-------------|
| BCIS figure for year in which the charging schedule took effect (Ic)   | 224           | 323         |
| BCIS figure for year in which the planning permission was granted (Ip) | 334           |             |
| <b>TOTAL CHARGEABLE AMOUNT</b>   | £1,443,039.59 | £341,982.91 |

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

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

**development.**

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



**DECISION NOTICE – APPROVAL**

Application No: 20/2473

To: Miss Lau  
ROK Planning  
ROK Planning  
16 Upper Woburn Place  
London  
WC1H0AF

I refer to your application dated **13/08/2020** proposing the following:

Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, four, six and seven storey building providing flexible employment workspace on ground and part of first floor, and self-contained flats with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development

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

at **6 and 6A Coombe Road, London, NW10 0EB**

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: 17/11/2020

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:-

London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Draft London Plan Intend to Publish Version 2019  
Draft Brent Local Plan Regulation 19 Version 2019

- 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):

534-2B-001\_A  
534-2B-010  
534-2B-011  
534-2B-030  
534-2B-031  
534-2B-101\_F  
534-2B-110\_P  
534-2B-111\_K  
534-2B-112\_J  
534-2B-113\_J  
534-2B-114\_J  
534-2B-115\_J  
534-2B-116\_L  
534-2B-117\_C  
534-2B-180\_A  
534-2B-200\_J  
534-2B-210\_D  
534-2B-300\_J  
534-2B-301\_J  
534-2B-310\_D  
534-2B-350\_F  
534-2B-351\_D  
20.034-BOSK-00-DR-L-0100-P1  
20.034-BOSK-ZZ-DR-L-0101-P1  
Air Quality Assessment (Ardent, 181161-04, August 2020)  
Flood Risk Assessment and Sustainable Drainage Strategy (Ardent, 181161-01, August 2020)  
Noise Assessment (Ardent, 181161-03, August 2020)  
Preliminary Ecological Appraisal (The ecology partnership, June 2018) and Addendum Letter (19 October 2020)  
Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement (Challice Consulting Ltd, CC/1938 AR3666, Revision 2, 21 October 2020)

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

- 3 The scheme hereby approved shall contain 52 self-contained residential units and 728sqm of flexible industrial workspace as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

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

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

- 5 The non-residential floorspace hereby approved shall not be used other than for purposes within use class E(g) (ii) and (iii) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended on 1st September 2020) (previously use classes B1b and B1c of the Town and Country Planning (Use Classes) Order 1987, as amended other than as provided for under Condition 17 of this permission or without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure the retention of industrial floorspace on the site.

- 6 The development shall be undertaken in accordance with the recommendations and mitigation measures set out within the Ardent Air Quality Assessment report ref 181161-04 dated August 2020, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect local air quality.

- 7 The development shall be undertaken in accordance with the recommendations and mitigation measures set out within the Ardent Flood Risk Assessment And Sustainable Drainage Strategy ref 181161-01 dated August 2020, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate measures are taken to ensure adequate drainage of the site and manage the risk of flooding.

- 8 The following features shall be provided as part of the 'shell and core' construction of the commercial units (unless otherwise agreed in writing with the local planning authority on the basis that they are not required by a confirmed tenant of the unit(s)):

- a goods lift to serve each unit;
- capped off services including water, electricity, gas and drainage;
- glass frontage including full height double width front doors to each ground floor unit;
- level access from the on-street loading bay.

Reason: In order to ensure that the commercial units meet the requirements of potential occupiers and can reasonably facilitate the occupation for purposes within use class B1(c).

- 9 Prior to first occupation or use of the development, the amenity spaces, soft and hard landscaping, car parking, cycle parking and bin storage shown on the approved plans shall be provided in full. These or equivalent facilities shall be retained in full for the use of occupiers of the development thereafter.

Reason: To ensure adequate provision of these facilities for the lifetime of the development.

- 10 The development shall be designed and constructed so as to limit the internal consumption of water to 105 litres or less per head per day.

Reason: To promote water conservation and efficiency measures in all new developments in

accordance with policy 5.15 of the London Plan, and DMP9b of the Development Management Policies.

- 11 The development shall be designed and constructed so that 90% of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and the remaining 10% of the residential units are easily adaptable to achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’.

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

- 12 Windows on the northeastern elevation of the first floor of the industrial unit shown as Unit B on the approved drawings and the residential Unit A02.03 shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be permanently maintained in that condition thereafter unless the planning consent is obtained from the Local Planning Authority.

Reason: To prevent overlooking onto adjoining site to the northeast.

- 13 The recommendations and mitigation measures set out within the approved Preliminary Ecological Appraisal and Addendum Letter shall be implemented in full.

Reason: To ensure adequate protection for biodiversity interests on the adjacent riverbank.

- 14 Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall thereafter be carried out in accordance with the approved details.

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

Reason for pre-commencement condition: Impacts of the construction process can arise at any time during the construction process and therefore controls need to be in place prior to construction commencing.

- 15 Prior to commencement of the development, a pre-commencement site meeting arranged by the applicant shall be held, including representatives of the applicant, the arboricultural consultant and the LPA Tree Officer, as recommended in the approved Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement (Chalice Consulting Ltd, CC/1938 AR3666, Revision 2, 21 October 2020). A record of the meeting will be circulated to all parties and to the LPA by the arboricultural consultant within five days of the meeting.

Reason: To ensure that all aspects of the tree protection process are understood and agreed.

Reason for pre-commencement condition: All aspects of the construction process, including the demolition of existing buildings and site preparation, can impact upon trees to be retained on and near the site, and the tree protection process therefore needs to be agreed prior to works commencing.

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

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to the Local Planning Authority through the submission of an application for approval of details reserved by condition, 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 prior to first occupation or use of the development.

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

- 17 Prior to development commencing (other than demolition, site clearance and groundworks), further details of active Electric Vehicle Charging Points to serve 20% of the car parking spaces and the provision of passive charging points for a minimum of 20% of the remaining car parking spaces shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. Thereafter, the development shall be carried out with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to facilitate sustainable modes of travel. In compliance with London Plan Policy. To comply with London Plan Policy 6.13.

- 18 Prior to commencement of development (excluding demolition, site clearance and groundworks), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition, and the development shall be completed in accordance with the approved details.

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

- 19 No piling shall take place until a piling method statement (including 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 through the submission of an application for approval of details reserved by condition. 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.

- 20 Prior to completion of construction work, further details of the roof plan, confirming the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition, and the development shall thereafter be completed in accordance with the approved details.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- 21 Prior to commencement of development (excluding demolition, site clearance and laying of foundations), details of materials for all external work and balcony screening, including samples, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The work shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 22 Prior to work commencing above ground floor level, further details of screening to be provided

to the northeastern boundary of the first floor commercial amenity space and of the third floor residential amenity space shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition.

The approved details shall be implemented prior to first occupation or use of the development, and shall be retained thereafter.

Reason: to prevent overlooking onto the adjoining site to the northeast.

- 23 Prior to works commencing on the superstructure, and notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) all planting and trees including location, species, size, density and number incorporating native species
- (b) details of the layouts of the shared amenity space, including details of play equipment
- (c) details of the provision of artificial bird and bat boxes
- (d) areas of all hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other disabled users
- (e) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height
- (f) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows)
- (g) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.
- (h) details of all tree planting pits (including surfacing)

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 appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- 24 Prior to first occupation or use of the development, a Meanwhile Use Strategy shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition, and implemented in full thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of proper planning. To allow for alternative uses of the commercial units to be explored on a temporary basis in the event of any extended periods of vacancy.

- 25 Prior to first occupation or use of the development, an assessment of the expected noise levels from all plant and ancillary equipment 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 through the submission of an application for approval of details reserved by condition, together with any mitigation measures necessary to achieve the required noise levels. The plant shall thereafter be installed and maintained in accordance with the approved details.

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.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 26 Prior to first occupation or use of the development, a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The scheme shall be designed to meet the standards of Building Regulations Approved Document E 'Resistance to the passage of sound' in order to prevent noise transmission between the commercial units and residential units and between the living area of Unit A04.01 and the bedrooms of Unit B03.03. The approved measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 27 Prior to first occupation or use of the development, a test shall be carried out to show that the required noise levels set out below have been met and the results shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

| Time                                | Area                      | Maximum noise level |
|-------------------------------------|---------------------------|---------------------|
| Daytime noise<br>07:00 – 23:00      | Living rooms and bedrooms | 35 dB ALeq (16hr)   |
| Night time noise<br>(23:00 - 07:00) | Bedrooms                  | 30 dB LAeq (8hr)    |

Reason: To obtain required sound insulation and prevent noise nuisance

- 28 Prior to first occupation or use of the development, the following shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition:

- Confirmation that all surface water network upgrades required to accommodate the additional flows from the development have been completed, or - Confirmation that a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

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

The applicant is advised that further information to support the discharge of this condition is available at [www.thameswater.co.uk/preplanning](http://www.thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 29 Prior to first occupation of the development hereby approved, further details of a communal television system/satellite dish shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition, and thereafter implemented in accordance with the approved details. The equipment shall be located so as to have the least impact on the external appearance of the development.

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

- 30 Prior to first occupation or use of the development, a Travel Plan prepared in accordance with current Transport for London guidance and setting out an action plan comprising of measures that shall be taken to minimise car use by residents and other users of the development, shall be submitted to and approved in writing by the local planning authority through the submission

of an application for approval of details reserved by condition.

The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: To encourage sustainable travel choices.

- 31 Prior to first occupation or use of the development, a Delivery and Servicing Plan, setting out how waste collection from the residential Core B shall be achieved in accordance with the Council's Waste Planning Guidance 2015 and to the satisfaction of the Council's Waste and Recycling Service, and other relevant matters, shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition.

Reason: To ensure adequate servicing arrangements are made for the development.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 If the development is carried out it will be necessary for a crossing over the public highway to be amended by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 3 The developer is advised to consult Thames Water's guide '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 the workings will be in line with the necessary processes to be followed when working above or near Thames Water pipes or other structures. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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 applicant should take account of this minimum pressure in the design of the proposed development.

- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the applicant to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 5 Flood Risk Activity Permit  
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
  - on or within 8 metres of a flood defence structure or culvert
  - 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 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's 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 is advised to consult with the Environment Agency at the earliest opportunity.

6 Flood proofing

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods  
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings  
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 7 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.
- 8 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 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 provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 11 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.
- 12 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 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](mailto: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

4 November, 2020  
04  
18/2006

## SITE INFORMATION

|   |   |
|---|---|
| RECEIVED  | 24 May, 2018  |
| WARD  | Kenton  |
| PLANNING AREA   |   |
| LOCATION  | 97 Woodcock Hill, Harrow, HA3 0JJ   |
| PROPOSAL  | Demolition of existing sheltered housing (Use Class C2) and erection of a three storey building to provide 9 residential flats with associated landscaping, car parking and amenity space   |
| PLAN NO'S   | Refer to condition 2.   |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case<br/> <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_140119">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_140119</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "18/2006" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol> |

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission.

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. Time Limit (3 Years)
2. Approved drawings / documents
3. Car parking and cycle parking to be provided prior to first occupation
4. Accessible units to be provided (M4(2) fit out)
5. C4 use restriction
6. Environmental restriction on non-road mobile machinery
7. Adherence to submitted arboricultural methodology, including tree protections
8. Adherence to the measures set out in the flood risk mitigation and drainage improvement strategy

#### *Pre-commencement*

9. Approval of a Phase 2 bat survey prior to commencement of the development
10. Approval of a construction method statement for implementing biodiversity enhancements and carrying nesting bird checks
11. Approval of observations made by arboriculturalist in erecting the protective fencing for trees
12. Approval of a construction method statement for limiting the environmental impacts of construction

#### *Post-commencement*

13. Approval of external materials
14. Approval of landscaping details, including a planting plan, hard surface materials, fences/walls, drainage, contouring and screen planting.

#### *Pre-occupation*

15. Approval of a car parking management plan
16. Approval of details of bin stores and suitable screening and provision of bin storage prior to first occupation

#### *Post-occupation*

17. Approval of details of external lighting

### Informatives

1. CIL liability
2. Party Wall agreements
3. Building near to the boundary
4. London Living Wage
5. Fire Safety
6. Encouragement to implement carbon savings measures

## 7. Natural England licensing requirement

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

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

### SITE MAP



## Planning Committee Map

Site address: 97 Woodcock Hill, Harrow, HA3 0JJ

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This map is indicative only.

## EXISTING

The existing site is located on the east side of Woodcock Hill in Kenton. The subject site contains a large, two storey post-war property used as sheltered accommodation (C2 use class) with 18 residential rooms using shared shower and WC facilities.

The property is surrounded by large detached dwellinghouses dating from the inter-war period, which characterise much of the street. The property is not located within a conservation area, nor is the building listed. The site does border with the Mount Stewart Conservation Area, along the rear garden boundary with properties along Sheridan Gardens. The Northwick Circle Conservation Area is also nearby, the boundary of which is about 70m to the west of the site, part of the way down Ashridge Close, a cul-de-sac which is directly opposite the neighbouring property at no. 95 Woodcock Hill.

## AMENDMENTS SINCE SUBMISSION

The changes made to the proposal since the original submission in 2018 are as follows:

- The third floor enabling roof access has been removed and replaced with a ladder and hatch so as to improve the appearance and reduce the scale of the building
- The building's massing has been reduced by redesigning the second floor and setting this floor in from the edges of the building
- The rear garden surface parking has been removed and replaced with a subsurface parking area – the number of parking spaces has remained at 10 spaces, with one of these spaces provided at surface level as a blue badge parking space - the development's cycle storage has also been incorporated within this subsurface parking area
- The bin storage area has been relocated to the front of the site for ease of collection
- The applicant's daylight and sunlight report has been revised to include 'No Sky Line' assessments
- The applicant's flood risk and drainage assessment has been revised to account for the subsurface car parking and cycle parking area

## SUMMARY OF KEY ISSUES

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

**Representations received:** 41 neighbouring properties, the Northwick Park Residents' Association and two local ward Councillors objected to this application. Objections raised centre around concerns over the character and appearance of the proposal, the scale of the proposal and its potential to harm surrounding privacy and light, the impact of the proposal on parking capacity and the impact of the development on local infrastructure capacity. Your officers have considered the objections raised but consider that the development proposal is acceptable and in material accordance with policies set out in the development plan.

**Provision of new homes:** The proposal would secure the provision of nine new homes, contributing towards the Borough's housing stock. Six of the new homes will be family sized (three bedroom homes). The loss of the existing care home can be supported as discussed within the main body of the committee report.

**The impact of a building of this height and design in this location:** The proposal replaces a post-war building which is out of keeping with the local character. A building of modern, rectilinear form is proposed in its place, although its materiality and scale would adhere with the prevailing patterns of development in the locality. The development has acceptable architecture and a residential material palette and maximises the site's potential whilst respecting surrounding development. Furthermore, it would not have a harmful impact on the Mount Stewart or Northwick Circle Conservation Areas.

**Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and exceeds Brent’s policy requirements for the provision of family housing, which is strongly welcomed given the local need for family housing. The flats would have good outlook and light and a policy compliant amenity space offer.

**Neighbouring amenity:** The development would have only minor impacts on the amenity of neighbouring properties compared to the impact currently experienced through the presence of the existing building on site. In many instances, the impact to the neighbouring properties results in a betterment compared to the existing impact given the gaps from the boundaries with neighbours that this proposal establishes.

**Highways and transportation:** The development provides an acceptable level of parking, close to the maximum parking standard within Brent’s policy, reflecting the suburban location and poor public transport access locally. The car park is contained within a basement car park so as to ensure that the benefit of the garden space, and the suburban nature of the plot, is retained in full. 20 secure cycle parking spaces are to be provided. Bin storage is proposed at the front of the site to enable an easy street collection by Brent's refuse contractors.

**Trees, landscaping and public realm:** The development will include the loss of some trees of moderate benefit along the edges of the site but will ensure the retention of the majority of the trees on site through tree protection measures. Full landscaping of the site will be expected and secured by condition. Suitable ecological safeguards have been proposed in the interests of protecting local ecosystems and these measures will be secured through conditions.

**Flooding and Drainage:** Given the inclusion of the basement, a flood resilient design has been accordingly incorporated within the development. A flood mitigation strategy and drainage strategy will be secured by condition to mitigate the risks associated with this. Despite not being a formal planning requirement in the context of this minor planning application, the development will also substantially improve the drainage capacity of the site through attenuation measures.

**RELEVANT SITE HISTORY**

Relevant planning history

**02/3202:** Certificate of lawfulness for retention of Class C2 Usage - Lawful, 03/04/2003.

**CONSULTATIONS**

Public Consultation

22 neighbouring properties, the Northwick Park Residents' Association and the local ward Councillors were consulted on 18/06/2018.

6 of the 22 consulted properties submitted letters of objection to the application. In addition, 34 letters of objection were received from nearby households outside of the consultation scope. Objections were also received from the Northwick Park Residents Association and two ward councillors for Kenton ward.

A summary of the objections and officer response to the objections is set out below:

| Ground of Objection  | Officer Response  |
|--|---|
| <b>Design</b>  |   |
| 3 storey buildings not allowed on this part of Woodcock Hill   | Refer to paragraphs 8 to 12   |
| Too large and out of character with the area.                  | Refer to paragraphs 8 to 12   |
| Loss of trees on Woodcock Hill and within the application site | Refer to paragraphs 79 to 81  |
| Over crowded   | The development satisfies relevant residential space standards and provides outdoor amenity space for all flats in compliance with Brent's policies. As such, |

|  |   |
|--|---|
|  | it is not considered that the development would be overcrowded.   |
| Over development and too dense for character of the area   | The development satisfies relevant residential space standards and provides policy compliant outdoor amenity space for all flats within a building that would be of an appropriate scale and massing for its location. The development is therefore not considered to be too intensive or overly dense.   |
| Height exceeds the height of surrounding houses and not in line with top of the roofs of 93, 95 and 99 Woodcock Hill   | Refer to paragraphs 10 to 11.   |
| The site is close to two conservation areas and the characteristics of the area should be replicated in the design of the new building.  | Refer to paragraphs 8 to 15   |
| Existing character of the area should be preserved   |   |
| Footprint different to existing building and projects forward onto Woodcock Hill.  | Refer to paragraphs 9 and 24  |
| <b>Neighbouring amenity</b>  |   |
| The development affords less privacy to the adjacent houses with particular reference to the balconies on each floor at the rear of the property   | Refer to paragraphs 21 to 24  |
| Increased noise and loss of privacy from the access way alongside the neighbouring garden  | The southern part of the site has long been used as a vehicle access to the site. Whilst the access would extend deeper into the site than at present, vehicles will be traveling slowly and it would not result in a materially different scenario to a garden on a corner plot where the side of the garden abuts a street. The access road will slope downwards, resulting in a further separation from the higher level garden at no. 99.<br><br>In relation to the privacy along the access way, refer to paragraph 23 |
| Loss of light and overshadowing to neighbouring properties   | Refer to paragraphs 25 to 52  |
| <b>Highway considerations</b>  |   |
| Woodcock Hill is very busy in terms of traffic and is used as a bus route  | Refer to paragraphs 67-70. The proposal is not considered to result in a material impact to the level of congestion on Woodcock Hill, and the proposed vehicular access is considered to be safe.   |
| The location of the site close to the brow of hill increases safety concerns. It is also close to the crossing point for Mount Stewart School  | Refer to paragraph 75   |
| One accident has occurred and there have been near misses as a result of parking on Woodcock Hill  | Refer to paragraphs 67 to 69  |
| Overspill parking issues from existing residents of No. 97 Woodcock Hill and other car users (such as those associated with St Gregory's school. Haridham temple and commuters) parking on surrounding residential roads, leading to lack of parking for residents and visitors on surrounding roads | Refer to paragraphs 67 to 69  |
| The addition of 9 flats will result in the area becoming too congested through increased traffic and parking stress  | Refer to paragraphs 67 to 69 and 75   |

|  |   |
|--|---|
|  |   |
| Pressure on surrounding stations (Northwick Park and Kenton)   | These stations are 0.6 miles and 0.7 miles from the application site respectively. The impact of 9 additional flats would be very unlikely to materially affect capacity and footfall through the stations.   |
| No provision for visitor parking   | There is no requirement for visitor parking on a development of this scale. The residents' parking bays could be used for both long term residents and for their visitors. Details of allocations of parking bays are to be secured by condition.   |
| <b>Other considerations</b>  |   |
| There are no flats nearby and there is no need to set a precedent in this regard   | There are no relevant planning policies which require the delivery of houses instead of flats, subject to the character and appearance of the building being appropriate to the setting.  |
| 9 flats existing in such close proximity will result in additional noise and disturbance for local residents as well as other nuisance such as smells from dustbins and increased dust | The proposed housing and associated external amenity space and bin storage meets Brent's standards and can be accommodated suitably on the site. Any disturbances associated with specific resident behaviour would be a matter for address by the Council's Environmental Health service.                                      |
| An open access to the property will reduce security to adjacent homes – security gates or CCTV should be provided to prohibit intruders  | The access into the site will benefit from natural surveillance, with windows of the flats overlooking this area. The basement car park does not benefit from natural surveillance, and a condition has been recommended requiring the provision of gates to this area.   |
| Scheme results in “garden grabbing”. Loss of significant amount of garden space resulting in overdevelopment, that should not be compensated for by balconies.                         | The scheme originally saw a large part of the garden being repurposed for car parking. This has since been removed and a full garden space reinstated atop a sub-surface car park. The garden is very large in size, will be useable by residents of all flats and will supplement the private balcony provision for all flats. |
| Loss of view (green space turned into concrete jungle) from neighbours rear gardens  | Screen planting along the boundaries will be required through a landscaping condition, as well as additional tree planting. The view of the site from neighbouring properties will change but the impact of the building will be acceptable, as discussed in paragraphs 25 to 52 below.   |
| Pressure added to over prescribed services such as schools/hospitals/GPs   | The developer will pay towards the Community Infrastructure Levy towards wider local infrastructure upon which developments rely.   |
| Lack of community cohesion   | The development will provide just nine flats, six of which are to be family homes.<br><br>The Mayor's Housing SPG includes guidance on community cohesion, stating that no more than eight flats per core per floor should be proposed in the interests of ensuring community cohesion. This                                    |

|  |  |
|--|--|
|  | development would propose three flats per core per floor, thus meeting this guidance.  |
| Lack of public consultation  | The development has been subject to consultation with local residents on three occasions between 2018 and 2020.                      |
| Council should reply to objections before the scheme is presented to Planning Committee. No transparency     | Each of the objections have been received and are discussed within the committee report.   |
| Safety issues with children playing  | It is not considered that the design of the proposal would be unsafe for children compared with other schemes/housing.               |
| Anti-social behaviour of the existing property   | The existing property is to be removed and replaced with private housing.  |
| No affordable housing proposed   | There are no requirements in policy for affordable housing as the development is minor in scale (i.e. fewer than 10 homes proposed). |
| Lack of information on how construction works would be managed to minimise impact on neighbouring properties | This information will be required by condition through a construction management plan.   |
| Lack of section plans provided   | These plans have now been submitted and have formed part of the available submission documents in the 2020 consultation.             |

Revisions were made to the scheme and further consultation with the originally consulted neighbours as well as additional properties who had submitted objections was carried out on 15/01/2020, 3 additional objections were received following this, 2 of these objections were from households who had previously objected, whilst the third was from a household that had not previously objected but which was one of the 22 originally consulted properties.

New grounds of objection received since the previous round of consultation is summarised below:

| <b>Grounds of objection</b>   | <b>Officer response</b>  |
|---|--|
| The area has strict conservation area rules that need to be adhered to        | Refer to paragraphs 13 to 15   |
| Revised plans have not addressed the previous comments submitted by residents | Officers consider that the proposal is acceptable following revisions to the plans |

Following a final set of changes being made to the plans, a final round of consultation with the same neighbours was carried out on 21/08/2020. Consultation with the two local Councillors who had objected and the Northwick Park Residents' Association was carried out by email on 18/09/2020. Following this consultation, three further objections were received, although two households from which the comments were received had previously objected to the proposal. The third objection was received from Northwick Park Residents' Association which had also previously objected to the scheme as well.

New grounds of objection received since the previous rounds of consultation is summarised below:

| <b>Grounds of objection</b>   | <b>Officer response</b>  |
|---|--|
| The existing building is at a low level and does not dominate or impose. The new building will dominate and will detract from the area if materials are not treated harmoniously with surrounding houses. The materials should be comprised of facing brick at ground floor and white plastering/rendering at upper floors. | The materials palette is considered to be acceptable as proposed and is largely brick led. Specific material choices will need to be reviewed by officers before they are used to ensure a harmonious appearance and this is to be required by condition.<br><br>Refer to paragraph 16 |
| The bin area should be reconsidered as placing them at the front of the building will cause several   | Bin placement has been considered carefully and further improvements will be   |

issues and smells.

required by condition.

Refer to paragraph 74

### **Internal consultation**

Environmental Health - no objections raised subject to conditions being secured in relation to construction management plan and method statement , air quality (dust) risk assessment, and non road mobile machinery.

## **POLICY CONSIDERATIONS**

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

### **London Plan (2016)**

- 3.3 – Increasing Housing Supply
- 3.5 – Quality and Design of Housing Developments
- 6.9 – Cycling
- 7.21 – Trees and woodlands

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

- CP 2 – Population and Housing Growth
- CP 17 – Protecting and Enhancing the Suburban Character of Brent
- CP 21 – A Balanced Housing Stock

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

- DMP 1 – Development Management General Policy
- DMP 7 – Brent's Heritage Assets
- DMP 9b – On site Water Management and Surface Water Attenuation
- DMP 12 – Parking
- DMP 18 – Dwelling Size and Residential Outbuildings
- DMP 19 – Residential Amenity Space
- DMP20 - Accommodation with Shared Facilities or Additional Support

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

In addition, the Examination in Public for the Draft New London Plan has been completed and the Panel Report has been received by the GLA. The GLA have now released 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.

Relevant policies in the 'intend to publish' London Plan include:

- D3 Optimising site capacity through the design-led approach
- D6 Housing Quality and Standards
- G1 Green infrastructure
- G7 Trees and woodlands
- SI 1 Improving air quality
- T5 Cycling

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. Relevant policies include:

**General:**

DMP1 – Development Management General Policy

**Place:**

BP4 – North West

**Design:**

BD1 – Leading the way in good design

BD3 – Basement development

**Housing:**

BH1 – Increasing housing supply

BH4 – Small sites and small housing developments in Brent

BH6 – Housing size mix

BH7 - Accommodation with Shared Facilities or Additional Support

BH13 – Residential amenity space

**Heritage and Culture:**

BHC1 – Brent’s Heritage Assets

**Green Infrastructure and Natural Environment:**

BGI2 – Trees and Woodland

**Sustainable Infrastructure:**

BSUI4 – On site water management and surface water attenuation

**Transport:**

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)

SPD1 Brent Design Guide 2018

Brent's Basement SPD

## DETAILED CONSIDERATIONS

### Principle of Development

#### *Loss of existing building*

1. The existing building on site is of post-war construction and of low townscape value in comparison to the other neighbouring properties. Its loss would be of minimal detriment to the character and appearance of the wider street. The proposed building retains a large garden to the rear, adhering to a suburban pattern of development, which is welcomed.
2. The existing building is used as a sheltered accommodation and this proposal would represent the loss of C2 (residential institutions) floorspace. Policy DMP20 supports the supported accommodation where one of the following is met:
  - a. demonstration of no Brent need for the accommodation type, or residents’ needs can be better met by other existing accommodation; or
  - b. unsatisfactory existing accommodation cannot be improved to achieve current standards.

3. The Local Planning Authority have consulted the Council's adult social care services to consider whether the existing sheltered housing is currently fulfilling a need. Adult social care services (ASCS) have confirmed that the existing building is not used as part of a sheltered housing scheme or supported accommodation commissioned by the Council. ASCS consider that the existing building provides hostel style accommodation which is not generally sought after in the modern day – the shared kitchens and bathrooms would not be appropriate for the needs of today's residents of sheltered housing. The location of the building and the reliance on staircases would also preclude the accommodation from being easily usable for older residents and those with disabilities. Whilst the long walking distance from local amenities is considered to be a factor that reduces its overall usefulness, the main issues identified are a lack of personal space, reliance on shared facilities and the lack of disabled access adaptability.
4. Given the above shortcomings, it is not considered that the loss of the existing building will have a negative impact on Brent's ability to appropriately meet the needs of residents in the borough. The loss of the sheltered accommodation would be considered to comply with policy DMP20, and emerging policy BH7.

#### *Delivery of additional housing*

5. The principle of replacing a residential building with a new residential building can be supported given the surrounding residential character of the area. The wider area is predominantly residential in nature. The principle of residential use on the site would be supported.
6. Policy 3.3 of the London Plan and Policy GG2 of the draft London Plan both identify the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent's Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the current London Plan includes a minimum annual monitoring target for Brent at 1,525 additional homes per year between 2015 and 2025. This target is proposed to increase to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the draft London Plan recognising the increasing demand for delivery of new homes across London. Emerging local plan policy BH1 reflects this target.
7. This site would be considered as a small housing development (below 0.25 hectares or less than 25 homes). Whilst policy BH4 seeks to promote an intensification of self-contained dwellings in priority locations (i.e. in locations of PTAL 3 to 6, intensification corridors and town centres) through the efficient use of small sites, the policy recognises that outside of these priority locations, greater weight will be placed on the existing character of the area, access to public transport, impact on social infrastructure and the ease of accessibility on foot when determining the intensity of development appropriate. Therefore, whilst the site is outside of a priority location for small scale residential development, the policy does not preclude the redevelopment of the site to provide additional homes, but that this needs to be consistent with other policies in the development plan, and greater weight needs to be placed on the existing character of the area in considering acceptability.

### **Design and Layout of Building**

#### *Massing and appearance*

8. The proposed building will sit between two detached houses within an established street-frontage. The proposal seeks to erect a 3 storey rectilinear building in its place, with the 3<sup>rd</sup> storey set in from the edges of the building to soften the building's appearance. The character of the block would notably differ from the traditional forms of the surrounding houses, however it is acknowledged that the existing building is already a largely rectilinear building that is out of keeping with the neighbouring buildings. Furthermore, Brent's policy DMP1, which seeks good design, does not necessarily require strict reproductions of surrounding buildings and welcomes additions of a contrasting character, subject to good design. The approach to replacing the existing building with a building of modern character is therefore supported in principle.
9. It is noted that the proposed building would be positioned further forward in the plot compared to the existing building. This would result in the proposed building adhering to the established building line of the street and that of its neighbours. It is considered that this is an acceptable alteration that would enhance its contribution to the character and appearance of the street.
10. The maximum height of the proposed building would sit in between the ridge heights of the two

neighbouring houses, no. 95 Woodcock Hill and no. 99 Woodcock Hill. The building's main roof would be set up from no. 95's main roof ridge by 1.05m and down from no. 99's main roof ridge by 0.48m, following the pattern of development in this sloping location. Accordingly, the height of the slightly wider first floor sits in between the eaves levels of these two neighbours, being set up from no. 95's by 1.54m and being set down from no. 99's by 0.42m.

11. The building has an appropriate height for its setting and is suitably sympathetic to the scale of surrounding houses, with the prevailing roof form being no higher than the neighbour's roof lines. The setting in of the second floor has a similar softening visual effect to the hipped roofs of the neighbouring houses, but through the use of a rectilinear reduction in form rather than through sloping roofs which achieve a similar effect. The full proposal has been clearly demonstrated in its context through a front facing streetscene elevation which shows that the proposed building would sit comfortably in the context of its surroundings.
12. It is acknowledged that the building's significant width (at 22.6m wide) is at odds with the surrounding house's proportions. However, it should be noted that the proposed building is about a fifth narrower than the existing building (which is 27.6m wide). Furthermore, the additional height of the proposed building would reduce the perception of the width of the proposed building compared to the existing situation. Given that the proposal presents a reasonable reduction in width compared to the existing situation and that this has established suitable open spaces between the proposed building and its neighbours (6m gap with no. 99 and 3.5m gap with no. 95), it is considered that the proposal is acceptable, and suitably punctuates its unique design and setting within the street.

#### *Heritage considerations*

13. The development is close to the Northwick Circle Conservation Area and the Mount Stewart Conservation Area immediately adjoins the development site to the rear.
14. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay "special attention" to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF states that where a proposed development will lead to substantial harm to designated heritage assets, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or in wholly exceptional circumstances identified in paragraph 195 of the NPPF. Where the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal. Where harm is found to a designated heritage asset (even harm that is deemed to be less than substantial), the decision maker must give that harm considerable importance and weight as a result of the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. London Plan Policy 7.8, Policy HC1 of the Mayor's Intend to Publish London Plan, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan all seek to ensure that development affecting heritage assets should conserve their significance, by being sympathetic to the character and setting of those assets.
15. Given the proximity of designated heritage assets, Brent's principal heritage officer has reviewed the scheme and considered the development's potential impact on the heritage value of the nearby conservation areas. The applicants have demonstrated that the development would not be visible from public spaces within Mount Stewart Conservation Area, and this includes from the public highway along Sheridan Gardens, as seen from between dwellinghouses. Officers note that the development would be partially visible from within the Northwick Circle Conservation Area, although this would only be from the very edge of the Conservation Area at the Conservation Area boundary line on Ashridge Close. Brent's heritage officer has considered the potential for the development to impact on the character and appearance of Northwick Circle Conservation Area, but notes that the existing building is seen only from a glimpse view at the periphery of the Conservation Area, and that the small part of the building which is visible appears largely as a backdrop and is largely obscured by foliage and other built form. The heritage officer notes that, were the proposed development to be constructed, the site would appear materially the same as it does now from within the Conservation Area boundary, even if it would be slightly taller. Furthermore, these considerations affect only a minor road within the Conservation Area which is a significant distance from the focal point of the Conservation Area at Northwick Circle itself. As a result, the principal heritage officer concludes that the proposal would result in no harm to the character and appearance of the Northwick Circle Conservation Area or the Mount Stewart Conservation Area.

#### *Architecture and materials*

16. The proposed building will be externally clad in brick, a good quality material which will foster a residential feel for the building. The brick will be of a dark red colour and a different darker shade will be used to further contrast the lower floors from the second floor. Dark red brick is also the prevailing colour of surrounding dwellinghouses. Timber inserts will be used as a projecting feature across ground and first floors to allude to the bay features of the neighbouring dwellinghouses. Lighter timber panelling will be used at some intervals between windows to further animate the facades of the building and to provide some colour contrast with the darker materials. A condition will require samples of these materials to be submitted for officer approval ahead of building works. It will be important to ensure that a brick is proposed which is a good colour match when set in the context of the surrounding brick houses and a condition can ensure this.

#### *Basement and access*

17. A basement for parking is to be provided under a part of the property's garden. This will be reached by an access road and footway along the southern edge of the site. The Brent Basement SPD specifies that basement development should consider the context of the site and the scale of the building and garden and should not extend further than 3m from the rear of the property. However, in this particular instance, the proposed basement would occupy a modest part of the garden and would allow a significant proportion of the property's garden to continue to be soft landscaped. Brent's Basement SPD (2017) also specifies that basement proposals should achieve the following:

- Sustainable development and design including protection and reinforcement of green infrastructure and biodiversity (especially trees)
- Not to be used for residential accommodation
- To not include external features (such as lightwells, railings, rooflights) which would detract from the character and appearance of an area
- To not unduly intensify the site
- To include suitable flood resilience measures

18. The basement proposed will meet all of the above requirements and this will be discussed in sections below where relevant.

19. The basement would require significant excavation in the centre and on the southern side of the property. Plans confirm that the basement level will not raise the garden level and will only reduce the garden level on the southern side of the property, adjacent to no. 99 Woodcock Hill.

20. The main entrance to the building is proposed to be positioned on this access road along what is a side elevation of the building. This is a legible location for an entrance and there is a clear accessibility advantage in locating the entrance in this location, immediately adjacent to the blue badge parking space. The entrance in this location also enables the access road to serve a dual access function and afford maximum amenity value and soft landscaping coverage to the front garden location. This will be particularly beneficial given that the forecourt of the property at present is largely comprised of hard surfacing. Whilst there will be no clear entrance feature along the street elevation, this elevation will retain a clear prominence with its bay features and other facade animation ensuring it reads appropriately as the principal elevation.

#### **Amenity Impact of the Building (Privacy, Outlook, Sense of Enclosure):**

##### *Privacy*

21. SPD1 requires a distance of 18m to be maintained between directly facing habitable room windows and a distance of 9m to be kept between gardens and habitable rooms and balconies. In this case, a distance of over 30m is maintained to the boundary with the rear gardens of the properties on Sheridan Gardens and over 50m between direct facing rear habitable room windows.

22. There are no flank wall habitable room windows on the northern elevation of the proposed building facing onto 95 Woodcock Hill, and the nearest balcony is located over 13m from the boundary with the rear garden of No. 95 Woodcock Hill.

23. In relation to the property to the south (No. 99 Woodcock Hill), there are flank wall windows on the southern elevation facing the side boundary. Closest to the Woodcock Hill frontage, a distance of 5.95m is maintained between windows in the southern elevation of the new building and the boundary with No.

99 Woodcock Hill. The distance is below the SPD1 target of 9 metres, however, the windows face the garage and side wall of No. 99 Woodcock Hill which does not contain any habitable room windows facing onto the application site. Allowing these flank wall windows to be cleared glazed would allow natural surveillance onto the access into the development and basement car park. Further into the site, there are habitable room windows facing the rear garden of No. 99 Woodcock Hill that maintain a distance of more than 10 metres to the boundary. As such, it is not considered that the occupants of No. 99 Woodcock Hill would be unduly compromised through a loss of privacy or overlooking from the proposed development.

24. With regards to the properties on the opposite side of Woodcock Hill, a distance of over 27m would be maintained between directly facing windows. The building line of the proposed development follows the established building line along the street and the prevailing distances maintained between street facing properties.

#### *Outlook and overbearing appearance*

25. SPD1 requires new developments to sit below a line drawn at 30 degrees from the nearest rear habitable room windows of adjoining existing properties, measured from a height of 2m above floor level. In addition, where a proposed development adjoins private garden areas, the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured at a height of 2m.
26. In this case, the development sits below the 30 degree line from the rear habitable room windows of the properties on Sheridan Gardens to the rear.
27. When applying the 45 degree line criteria from the rear garden of No. 95 Woodcock Hill, a minor 0.95m high section at the edge of the second storey would breach the 45 degree line for a part of the garden serving no. 95. This breach of the 45 degree guidance is minimal and is far less severe than the breach of the 45 degree line incurred by the existing building. For comparison, the existing building is in breach of the 45 degree line above a height of 3.95 metres until its maximum height of 7.25 metres and as near to the boundary with no. 95 as about 1.15 metres, whereas the proposed building is in breach of the 45 degree line above a height of 9.05 metres until its maximum height of 10 metres and at a distance to the boundary of at least 6.6 metres. The daylight and sunlight assessment of the windows at the rear of this property (discussed below) show that daylight and sunlight levels to the affected windows would improve in the proposed scenario compared to the existing, which would correlate with these observations.
28. In relation to No. 99 Woodcock Hill, the proposed development comfortably complies with the 45 degree guidance in full. By contrast, the existing building is in breach of the 45 degree line at its uppermost extremities and this development would therefore improve the neighbour relationship between no. 99 and 97 in this regard.
29. The new building sits below the 45 degree line when measured from the gardens of the properties on Sheridan Gardens.

#### *2:1 guidance*

30. SPD1 also requires new developments to generally not project beyond 2:1 guidance. This is when the depth of a rear projection does not project more than half the distance when measured from the nearest rear habitable room of the neighbouring property to the flank wall of the proposed development. In this case, at the rear of the development, the proposal's upper floors project beyond the rear elevation of no. 95 as follows:
- For the first 2.25m out from the rear elevation, the separation distance to the middle of the nearest rear habitable room is 9.65m (this element complies with 2:1 guidance).
  - For the next 4.05m out from the rear elevation the separation distance to the middle of the nearest rear habitable room is 11.4m (this element fails to comply with 2:1 guidance by 0.6m).
  - For the final 5.80m out from the rear elevation, the separation distance to the middle of the nearest rear habitable room is 12.9m (this element fails to comply with 2:1 guidance by 5.65m).
31. It is noted that the existing building has the following relationship with no. 95:
- Projects 4.55m out from the rear elevation with a separation distance to the middle of the nearest

habitable room window of between 4.2m (minimum) and 4.65m (maximum) (this element fails to comply with 2:1 guidance by about 2m)

32. Whilst the proposed building does technically breach the 2:1 guidance by a significant amount in the deeper parts of its projection, the very significant separation of the building from the windows it would impact at this depth must be taken into account. The 45 degree guidance would be a far more appropriate judge of impact given the level of separation that is being considered at this distance. Moreover, the existing building breaches the 2:1 guidance from a significantly closer distance (as close as 4.2m) to the windows at no. 95 compared to the proposed building (no closer than 9.65m) and therefore incurs a more significant impact with regard to the sense of enclosure that would be experienced close to the affected windows. As is also mentioned above in relation to the 45 degree guidance, the improved daylight and sunlight results to the affected windows (discussed below) in the proposed scenario compared to the existing correlates with these observations.

33. When applying the 2:1 rule from No. 99 Woodcock Hill:

- The 13.7m projection at upper floor level is 14.4m away from the middle of the nearest rear habitable room window of No. 99 (this projection fails to comply with 2:1 guidance by 6.5m).

34. Furthermore, the existing building has the following relationship with no. 99:

- For the first 8.43m out from the rear elevation, the separation distance to the middle of the nearest habitable room window is between 6.6m and 7.48m (this projection fails to comply with 2:1 guidance by 5.13m)
- For the next 2.32m out from the rear elevation, the separation distance to the middle of the nearest habitable room window is between 8.67m and 8.93m (this projection fails to comply with 2:1 guidance by 6.42m)
- For the next 0.68m out from the rear elevation, the separation distance to the middle of the nearest habitable room window is between 11.85m and 11.98m (this projection fails to comply with 2:1 guidance by 5.42m)

35. Whilst the proposed building does technically breach the 2:1 guidance by a significant amount in the deeper parts of its projection, the very significant separation of the building from the windows it would impact at this depth must be taken into account. The 45 degree guidance would be a far more appropriate judge of impact given the level of separation that is being considered at this distance. Moreover, the existing building breaches the 2:1 guidance from a significantly closer distance (as close as 6.6m) to the windows at no. 95 compared to the proposed building (no closer than 14.4m) and therefore incurs a more significant impact with regard to the sense of enclosure that would be experienced close to the affected windows.

### Summary

36. The proposal is not be considered to result in a harmful impact upon the amenities of neighbouring properties in terms of overlooking, loss of privacy, overbearing appearance or loss of outlook. The proposal complies with DMP1 in this regard.

### **Amenity impact of the Building (Daylight, Sunlight and Overshadowing):**

37. The applicants have produced a daylight, sunlight and overshadowing report which numerically assesses the affect the development would have on neighbouring properties in line with BRE (Building Research Establishment) guidance.

38. The applicant's analysis has been prepared by a suitably qualified specialist and includes the following tests of amenity impact:

### Vertical Sky Component (VSC)

39. The VSC method measures the amount of light available on the outside plane at the centre of a window, as a ratio (expressed as a percentage) of the amount of total unobstructed sky visible following the introduction of visible barriers such as buildings. The BRE guidelines at paragraph 2.2.6 and 2.2.7 state:

"Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main

window.” and “If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.”

40. The VSC test has been carried out for east (rear) facing windows serving 93, 95, 99 and 101 Woodcock Hill. 95 and 99 Woodcock Hill have also seen the side windows facing towards the development site tested. In addition, east (front) facing windows serving 100, 102 and 104 Woodcock Hill, west (rear) facing windows serving 17 and 19 Sheridan Gardens and south (front) facing windows serving 2, 4 and 6 Ebrington Road have been tested for impact.
41. The testing shows that, with two exceptions, all windows will only be impacted negligibly, with a ratio of 0.94 between existing and proposed values being the worst instance of impact to any of these windows. In addition, none of the windows whose starting VSCs were 27 or greater will see their VSC value drop below this in the proposed scenario. The two exceptions relate to the upstairs side elevation windows serving 95 Woodcock Hill which will see a severe reduction in daylight compared with the existing scenario (starting/ending ratios for the windows of 0.41 and 0.42, and reductions in VSC from 29-31 to 12). However, these windows serve a non-habitable room (bathroom) and the reduction in light to this room would not be considered significantly detrimental to the quality of life at this property. This is also reflected in the BRE guidance “The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms.” In addition, the two rear facing upstairs windows which are closest to the boundary with no. 97 at this property will actually see an improvement in daylight levels experienced under the proposed scenario, with a starting/ending VSC ratio of 1.12 and 1.03 respectively equating to an increase in VSC values from the late twenties to the early thirties.

#### No Sky Line (NSL)

42. The No Sky Line method of assessment is a test to indicate how good the distribution of daylight is in a room, taking into account external obstructions and divide those areas of the working plane that can receive direct skylight and those that cannot. The BRE guidelines suggest that the daylight distribution test is carried out to existing surrounding properties when the internal room arrangements are known. To assess the impact of any reduction the BRE guidelines at paragraph 2.2.9 state:

“If, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.”

43. The NSL test has been carried out for potentially affected rooms at 100-104 Woodcock Hill, 93, 95, 99 and 101 Woodcock Hill, 17-19 Sheridan Gardens and 2-6 Ebrington Road. Floor plans for 99 Woodcock Hill were available to the applicant whilst the floorplans to the other houses had to be estimated based on a desktop review of the facade and window positions.
44. The testing shows that none of the rooms will be affected in terms of their No Sky Line impact, with all tested rooms retaining their original NSL%. As such, no losses of amenity through daylight distribution to rooms are to be experienced as a result of the development.

#### Sunlight (APSH/WPSH)

45. The BRE guidelines "Site layout planning for daylight and sunlight" recommend that access to sunlight is assessed with a development proposal. Potential impacts on available sunlight were assessed using the BRE's Annual Probable Sunlight Hours (APSH) method. This method involves the forecasting of sunlight availability throughout the year and in the winter months, for the main window of each habitable room that faces within 90° of due south. The buildings surrounding the site that do not contain windows that face within 90° of due south has been excluded from the sunlight assessment. The sunlight criteria given within the BRE guidelines have been used as a basis to assess the potential impacts of the development:

"A window may be adversely affected if a point at the centre of the window receives in the year less than 25% of the Annual Probable Sunlight Hours (APSH) including at least 5% of the APSH during the winter months (21 st October to 21 st March)".

46. The APSH/WPSH test has been carried out for relevant windows at 100-104 Woodcock Hill, 93, 95, 99 and 101 Woodcock Hill, 17-19 Sheridan Gardens and 2-6 Ebrington Road.

47. The testing shows that all windows (with the exception of one) will retain at least the benchmark 25% annual and 5% winter sunlight hours in the proposed scenario (in most cases, significantly in excess of these percentages) except for where the starting value for the window falls below these benchmarks. There are two instances (two upper floor side windows to 95 Woodcock Hill) where the winter probable sunlight hours value would drop from 23/25 to 5/3 respectively, however, as before, these windows serve a bathroom and are not considered to significantly affect the quality of life to this property. It is also noted that the windows across the ground and first floor of the rear/east elevation of this property (which serve habitable rooms) would see significant improvement in terms of the APSH results, with two of the ground floor windows seeing a 3% and a 27% increase respectively in annual probable sunlight hours and two of the first floor windows seeing a 3% and a 42% increase respectively in annual probable sunlight hours.

#### Overshadowing

48. The BRE guidelines "Site layout planning for daylight and sunlight" provide sunlight availability criteria for open spaces. In particular it gives guidance for calculating any areas of open space that may be in permanent shadow on 21 st March. In summary the BRE document states:

"It is suggested that, for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 st March. If as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive two hours of sun on 21 st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable".

49. The overshadowing test has been carried out for six existing rear gardens located at the rear of 95 & 99 Woodcock Hill, 4 & 6 Ebrington Road and 17 & 19 Sheridan Gardens.
50. Testing showed that the gardens at 2 & 4 Ebrington Road and 99 Woodcock Hill would see no increase in overshadowing as a result of the new development. 19 Sheridan Gardens' garden would see a fractional increase in overshadowing (0.001%) whilst the garden at 17 Sheridan Gardens would see a 2% increase in overshadowing and 95 Woodcock Hill an 11% increase in overshadowing. Nonetheless, all gardens will continue to receive 2 hours of daylight across at least 50% of their extent and there will be no increase in overshadowing from the baseline position by 20% or more, meaning that the development fully meets BRE criteria and the decreases in direct sunlight to the gardens are not likely to be noticeable in any scenario.

#### Summary

51. The proposed development meets all BRE guidelines to habitable room and habitable room windows in respect of daylight, sunlight and overshadowing impact criteria. This means that any such impact to surrounding properties habitable rooms and gardens is unlikely to be noticeable.
52. As a result, the development is considered to be acceptable on this basis, and comply with policy DMP1.

#### **Housing Delivery and Standard of Housing:**

53. Brent's DMP1 policy requires high levels of internal amenity to be achieved in new developments. Policy DMP18 requires new residential units to meet the residential quality standards set out in policy 3.5 of the adopted London Plan.

#### *Mix of units*

54. The proposal is for 5x 3b6p flats, 1x 3b4p flat and 3x 2b4p flats. The proposal to provide six of the nine new dwellings as larger family homes is welcomed and responds positively to Brent's shortage of such housing. Brent's CP2 policy sets out an expectation that at least 25% of new housing should be family sized housing (i.e. 3 bedrooms+) and this scheme would provide 67% of its homes as 3 bedroom family homes which is strongly welcomed.
55. So as to ensure that these large flats are not re-purposed to become homes in multiple occupation (HMOs) and continue to offer the benefits of being single family homes, a condition will impose a restriction on the use of the flats as single family dwellinghouses (C3 use class) and prevent the conversion of the use of the flats to homes in multiple occupation (C4 use class).
56. The proposed residential unit sizes vary but are generally in excess of the minimum standards stipulated within the London Plan, including meeting all minimum bedroom size standards. With the exception of flat

3 on the 2<sup>nd</sup> floor (which has a shortfall against guidance of 1sqm), all flats otherwise exceed standards, often by generous amounts. The flats also all provide in excess of the expected standards for private amenity space. The table below sets out the provisions:

| Unit Type             | Unit Composition   | Unit GIA | London Plan Guideline GIA |
|-----------------------|--------------------|----------|---------------------------|
| Ground floor – Unit 1 | 3 bedroom 6 person | 105sqm   | 95sqm                     |
| Ground floor – Unit 2 | 3 bedroom 6 person | 106sqm   | 95sqm                     |
| Ground floor – Unit 3 | 2 bedroom 4 person | 93sqm    | 70sqm                     |
| 1st floor – Unit 1    | 3 bedroom 6 person | 105sqm   | 95sqm                     |
| 1st floor – Unit 2    | 3 bedroom 6 person | 106sqm   | 95sqm                     |
| 1st floor – Unit 3    | 2 bedroom 4 person | 93sqm    | 70sqm                     |
| 2nd floor – Unit 1    | 3 bedroom 4 person | 75sqm    | 74sqm                     |
| 2nd floor – Unit 2    | 3 bedroom 6 person | 106sqm   | 95sqm                     |
| 2nd floor – Unit 3    | 2 bedroom 4 person | 69sqm    | 70sqm                     |

57. In line with draft London Plan policy D7, the flats would all be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations. This will ensure that step free access is provided between the street to all flats and that the flats meet the needs of occupants with differing needs, including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time. A condition will secure the M4(2) fit out across the scheme.
58. The amenity space provision accords with the requirements of Brent's DMP19 policy (and emerging BH13 policy). Policy DMP19 states that *"all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."*
59. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20sqm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy which provides that: *"10.39 New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space"*.
60. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace.
61. All flats will be provided with a private amenity space, in the form of a good sized balcony that exceed London Plan standards for private amenity space provision.
62. The space is clearly of a higher quality for the ground floor flats, which benefit from large rear gardens (flats 1 and 3) and front gardens of a less private nature (also for flats 1 and 3). The upper floor flats rely on smaller balcony spaces. It should be noted that the balcony spaces for units 2 and 3 on the second floor do have a reduced depth (about 1m) for much of the balcony extent and therefore fall short of the requirements for London Plan compliant balconies (1.5m deep balconies as a minimum), however these balconies are significantly oversized (18sqm and 19sqm respectively) which does help to mitigate this shortcoming to an acceptable extent on balance. There is a communal garden space of 783sqm, providing a very substantial communal amenity offer for residents which more than compensates for the smaller private spaces provided for upper floor flats in line with the allowances of policy DMP19. The communal garden is accessible from the side access route, with one access being a 24 metre walk from the main entrance to the building and another being a 36 metre walk from the entrance. The communal

garden would not be step free accessible given the significant level changes that need to be addressed owing to excavation for the basement. Any disabled ramp that could achieve access would require a significant number of 'switchbacks' to meet the required angle of incline and this would materially reduce the green space to the rear of the site prejudicing the enjoyment for those living on the upper floor flats. Any occupants with mobility impairment could however occupy the ground floor units which have level access to the front and rear gardens.

63. The amenity space provisions in the context of the policy requirements are set out below:

| Unit               | Unit Type | Amenity Space Policy Amount | Private Amenity Space Provision | Shortfall against Policy Amount | Communal Amenity Space Provision | Cumulative Shortfall against Policy Amount |
|--------------------|-----------|-----------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| Gr floor – Unit 1  | 3b6p      | 50sqm                       | 9.75sqm terrace                 | 40.25sqm                        |                                  |  |
| Gr floor – Unit 2  | 3b6p      | 50sqm                       | 104sqm garden                   | 0sqm                            |                                  |  |
| Gr floor – Unit 3  | 2b4p      | 20sqm                       | 11sqm terrace + 100sqm garden   | 0sqm                            |                                  |  |
| 1st floor – Unit 1 | 3b6p      | 20sqm                       | 8.2sqm balcony                  | 11.8sqm                         |                                  |  |
| 1st floor – Unit 2 | 3b6p      | 20sqm                       | 7.8sqm balcony                  | 12.2sqm                         |                                  |  |
| 1st floor – Unit 3 | 2b4p      | 20sqm                       | 7.4sqm balcony                  | 12.6sqm                         |                                  |  |
| 2nd floor – Unit 1 | 3b4p      | 20sqm                       | 18sqm balcony                   | 2sqm                            |                                  |  |
| 2nd floor – Unit 2 | 3b6p      | 20sqm                       | 7.8sqm balcony                  | 12.2sqm                         |                                  |  |
| 2nd floor – Unit 3 | 2b4p      | 20sqm                       | 19sqm balcony                   | 1sqm                            |                                  |  |
| Total              |           | 240sqm                      | 292.95sqm                       | 92.05sqm                        |                                  |  |

64. The flats largely stack directly atop one another, meaning that there is unlikely to be any concern over unacceptable transference of noise between flats. All of the flats also benefit from dual aspect outlook.

65. The south facing windows serving the kitchen to unit 1 on the ground floor are immediately adjacent to the pedestrian and vehicular access route to the site. This may result in an uncomfortable privacy relationship when the access route is being used by other residents of the building. As these are not the sole windows to this room windows and the kitchen and wider flat would still benefit from the windows in the western elevation, the relationship to the access route is considered on balance to be acceptable. Furthermore, the use of windows overlooking the access would provide natural surveillance over the access route.

66. The roof level will contain a photovoltaic array. Given that the scheme is a minor development, there are no formal planning requirements in respect of sustainability and carbon savings, however the addition of renewable technologies within the development is positive.

#### Transport considerations:

##### Parking

67. Given that this part of the borough has poor access to public transport (PTAL 1), the proposed development would have a maximum parking allowance of 12 car parking spaces (1.5 car parking spaces per 3-bedroom flat and 1 car parking space per 2-bedroom flat) and a minimum allowance of 9 car parking spaces (75% of the maximum). The provision of 9 car parking spaces within a covered basement area and 1 surface level blue badge car parking space next to the building entrance would be within this range and would therefore be acceptable.

68. This development will provide suitable car parking space that sits between the minimum and maximum standards. Census data suggests that locally, only 32% of flatted dwellings are occupied by vehicle

owners and only 77% of all dwelling types (flats and houses) are occupied by vehicle owners. Nonetheless, the car parking provision remains within maximum parking standards and is therefore considered to be at an acceptable level.

69. Given the above, overspill parking would be very unlikely, nonetheless Woodcock Hill has been identified as a lightly parked street on the Council's most recent overnight parking beat surveys (2013), at only 10% occupancy. The lightly parked nature of the street is also visible on Google street view imagery, whereby all eight photographs of this part of Woodcock Hill between 2008 and 2018 indicate a very lightly parked street. As such, highway officers are satisfied that overspill parking (of which only a small amount would be likely) could be safely accommodated on street if there ever were a need to rely on it. Some comments have been raised by neighbours suggesting that the road is heavily parked owing to local school and temple attendance. As discussed, the evidence available to the Council shows that this part of Woodcock Hill is generally very lightly parked. Any periods of heavier parking owing to attendance at nearby schools or places of worship (although no such venues are located within near proximity to the site) would be intermittent and for short periods of time only. Moreover, the amount of parking to be provided on site is in excess of what census data would suggest the likely level of car ownership/usage would be at this site. As such, it is very unlikely that the development would need to rely on on-street parking or result in additional stress to parking availability on the street.
70. The car park basement area will be accessed by an approximately 50m long access road which will have a minimum width of 4.1m. This would be wide enough to allow two cars to pass each other whilst the intermittent use of vehicles larger than cars would not give rise to concerns. The basement car park is also shown with suitable spacings and aisle widths to enable easy use by most domestic vehicles. The existing site has a forecourt parking area accessed by a crossover on the southern side of the property and the proposed access arrangements would therefore be similar to the existing.
71. Aside from the disabled parking space adjacent to the entrance, it will be important that the car parking is managed to ensure that no cars park along the access road or within the turning head. A car parking management plan will be secured by condition so that the developer can set out how this will be managed prior to occupation of the building. The car parking management plan condition will also require details of how the 10 car parking spaces will be allocated between the flats to be set out
72. The minimum cycle parking requirements for the proposal would be 2 for each unit requiring a total minimum of 18 spaces. 18 such spaces are shown within the covered basement area in an acceptably secure and weatherproof arrangement. A Sheffield hoop for visitors' cycle storage is also provided adding two extra spaces.

#### Servicing

73. In regards to servicing by delivery vehicles, servicing along the street would be supported in this quiet residential location. Alternatively, delivery vehicles could safely reverse into the site from the street in this location in situations where vehicles need to make deliveries closer to the building entrance.
74. Given the difficulty that would be encountered by Brent's refuse contractors in driving refuse collection vehicles into and out of the site in a forward gear, suitably sized bin storage has been provided at the front of the site to enable a simple street collection. The bin storage would be located adjacent to one of the front garden amenity spaces and a condition will require that this bin store is suitably minimised in size so as to minimise the impact on this amenity space. A large tree is situated in front of the proposed bin store which will help to naturally screen the bin store from view, nonetheless given the sensitive positioning of this bin storage, a condition will require that further details of refuse storage are submitted and approved to ensure that it will have an acceptable visual impact on the street.

#### Safety

75. Concerns have been raised by some neighbours in relation to highway safety risks stemming from the brow of a hill being close by along Woodcock Hill to the south of the site. Highways officers have considered this and would note that the Manual for Streets advises that clear visible sightlines should be established for 43 metres in either direction from the vehicle access in order for that vehicle access to have a good level of safety for road users. The site would achieve this standard, with the brow of the hill being located more than 60 metres from the vehicle access. Whilst vehicular trips into and out of the site will likely increase compared with the existing situation, the change that is likely as a result of the addition of nine flats is not considered to raise a concern and would not likely have a material impact on highway

flow or safety in this location. The Council's accident data indicates that the last vehicular accident to occur along this part of Woodcock Hill was in 2007.

#### **Environmental Health Considerations:**

76. The application has been reviewed by Brent's Environmental Health officers. The application is supported subject to the imposition of conditions covering the following matters:
77. Construction Methodology – This condition will require the submission of a statement outlining measures that will be taken to control dust, noise and other environmental impacts of the development.
78. Non-Road Mobile Machinery – Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM. A condition will impose this restriction on the developer.

#### **Trees and Ecology:**

79. The applicant has submitted an arboricultural impact assessment to consider the impact to trees within the site. In order to facilitate the development it is proposed to remove four individual trees and one tree group which are all category C 'moderate value' trees and all located within the site. None of these trees are considered to have a high amenity value and would not have a significant impact on local amenity. Tree protection measures are set out within the arboricultural report to ensure damage to the remainder of the trees which are to be retained is avoided which will mainly involve the erection of protective fencing to close off the root spread areas of these trees to prevent the potential for the roots of the trees to be damaged through compaction. Arboricultural surveys confirm that both the building foundations and subsurface car parking do not sit within the root protection areas of the retained trees around the edge of the garden.
80. Brent's tree officer agrees with the details of the submitted report and has requested the imposition of a condition that requires the measures set out in the arboricultural impact assessment to be adhered to in full. The landscaping condition will also require that details of 5 replacement trees are submitted, approved and implemented, to ensure that the loss of the 4 trees and group of trees on site is appropriately mitigated. A condition will also require that the applicant's tree consultant visits the site prior to commencement to ensure that the tree protective fencing is erected adequately and in precisely the correct location and for the observations made in this respect to be submitted to and approved in writing by the Local Planning Authority.
81. The tree officer has also reviewed the applicant's plans for basement construction and notes that a suitable soil depth above the basement structure will be retained to ensure that the green infrastructure within the garden (once re-established) would not be compromised, thereby satisfying an aspect of Brent's Basement SPD criteria..
82. The applicant has also submitted a Preliminary Ecological Assessment and Bat Building Inspection. The site has been investigated through a detailed desktop study and a Phase 1 Habitat, External Bat Building and Ground Level Tree Inspection survey. The only important ecological feature that may potentially be impacted by the development is the local bat assemblage. Whilst the site's suitability to bats is low, it is possible that bats are present within the existing building and if confirmed present through further survey, they could be detrimentally impacted by the proposal by loss of a roost as well as a minor loss of foraging habitat. The report recommends Phase 2 work for bats in determining their presence at the site.
83. In addition to the additional bat survey, the ecologist has recommended the following measures to avoid or reduce impact and to also deliver biodiversity gains:
  - Surrounding boundary vegetation retained in order to reduce disruption to bat flight lines and maintain existing foraging habitat for bats and birds;
  - If any vegetation is highlighted for removal during March to September, it will be subject to a nesting bird check
  - Planting of more native species post-development to provide enhanced foraging opportunities for bats and birds

- Minimise disturbance effects of light on nocturnal wildlife including bats by design of an appropriate lighting strategy; and

- Installation of bat and bird boxes on retained trees or on new building.

84. No commencement may occur until the phase 2 bat survey is submitted (along with any necessary mitigation) to the LPA and approved in writing. A condition will also require this. A condition requiring the submission of a Construction Environment Management Plan will also be required, to set out the details of nesting bird checks. The implementation of the other biodiversity mitigation and enhancement measures identified above will be secured through a landscaping strategy condition.

### Flood Risk

85. The site is located in Flood Zone 1 which corresponds with an annual risk of flooding that is less than 1 in 1000. The site is shown to be at 'very low' and 'low' risk of surface water flooding, however, it is recommended that threshold levels are raised by a minimum of 150mm above surrounding ground levels as a best practice measure. In addition, flood resilience measures such as basement tanking are recommended to be incorporated into the construction of the basement level car parking. Geocellular storage and a flow control chamber are proposed to be restrict runoff rates from the site to 5l/s for all storm events up to 1 in 100 year plus 40% climate change allowance. Given that the scheme is a minor development, there are no formal planning requirements in respect of incorporating a site wide drainage improvement strategy, however the addition of sustainable urban drainage measures to achieve a greenfield runoff rate has been included nonetheless and is strongly supported.

86. The recommendations of the flood report are to be secured by condition to ensure an acceptable flood risk given the basement construction proposed within the scheme.

### Conclusion:

87. The proposed development will deliver nine additional high quality homes, including six family homes towards the borough's overall stock. The building containing these homes would be of a suitable scale, massing and design for its setting and would not unduly compromise the amenities of neighbouring properties. A suitable number of car parking and cycle parking spaces would be provided within an acceptable arrangement, making use of a basement so as not to reduce the current benefit provided by the garden.

88. The proposal is considered to materially accord with the development plan. Approval of the proposal is accordingly recommended.

## CIL DETAILS

This application is liable to pay **£227,377.29** \* 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): 651.78 sq. m.

Total amount of floorspace on completion (G): 1285.57 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   | 1285.57                       |                                    | 633.79                            | £200.00                       | £0.00                           | £189,005.23     | £0.00             |
| (Mayoral) Dwelling houses | 1285.57                       |                                    | 633.79                            | £0.00                         | £60.00                          | £0.00           | £38,372.06        |

|  |     |     |
|--|-----|-----|
| 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 |     |

|                                |             |            |
|--------------------------------|-------------|------------|
| <b>TOTAL CHARGEABLE AMOUNT</b> | £189,005.23 | £38,372.06 |
|--------------------------------|-------------|------------|

\*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: 18/2006

To: Miss Sexton  
Create Planning Limited  
Wigglesworth House  
Second Floor  
69 Southwark Bridge Road  
LONDON  
SE1 9HH

I refer to your application dated **24/05/2018** proposing the following:

Demolition of existing sheltered housing (Use Class C2) and erection of a three storey building to provide 9 residential flats with associated landscaping, car parking and amenity space

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

at **97 Woodcock Hill, Harrow, HA3 0JJ**

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

Date: 27/10/2020

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 proposal is in general accordance with the following documents:

*Adopted Policy*

- The National Planning Policy Framework (2019)
- The London Plan (2016 – Consolidated with alterations since 2011)
- Brent's Core Strategy (2010)
- Brent's Development Management Policies (2016)

*Emerging Policy*

- The Intend to Publish London Plan (2019)
- Brent's Local Plan (Reg 19 Version – 2019)

*Supplementary Planning Guidance / Documents*

- Mayor of London's Housing SPG (2016)
- SPD1 Brent Design Guide (2018)
- Brent's Basements SPD (2017)

- 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):

386-B-(10)-P-00 – Existing OS Map  
386-B-(20)-P-00 – Existing Ground Floor Plan  
386-B-(20)-P-01 – Existing First Floor Plan

16066 PGF – Existing Ground Floor Plan & Topographical Survey

386-CDA-ZZ-00-DR-A-0100 Rev 03 – Proposed Basement Plan  
386-CDA-ZZ-00-DR-A-0101 Rev 09 – Proposed Ground Floor Plan  
386-CDA-ZZ-01-DR-A-0102 Rev 07 – Proposed First Floor Plan  
386-CDA-ZZ-02-DR-A-0103 Rev 08 – Proposed Second Floor Plan  
386-CDA-ZZ-03-DR-A-0104 Rev 05 – Proposed Roof Plan

386-CDA-ZZ-00-DR-A-0200 Rev 05 – Proposed West Elevation  
386-CDA-ZZ-00-DR-A-0201 Rev 05 – Proposed South Elevation  
386-CDA-ZZ-00-DR-A-0202 Rev 05 – Proposed East Elevation  
386-CDA-ZZ-00-DR-A-0203 Rev 05 – Proposed North Elevation  
386-CDA-ZZ-XX-DR-A-0204 Rev 06 – Street Elevation

386-CDA-ZZ-XX-DR-A-0400 Rev 02 – Section  
386-CDA-ZZ-00-DR-A-0401 Rev 02 – Section and View  
386-CDA-ZZ-XX-DR-A-010018 Rev 03 – Rear Sections

386-CDA-ZZ-XX-DR-A-0800 Rev 02 – Proposed Street View  
386-CDA-ZZ-XX-DR-A-0801 Rev 01 – Rear Aerial View – North  
386-CDA-ZZ-00-DR-A-0802 Rev 02 – Rear Aerial View – South

Supporting Documents:

- BS 5837 Arboricultural Report – Impact Assessment & Method Statement at 97 Woodcock Hill Harrow HA3 0JJ, prepared by Crown Consultants, dated 18<sup>th</sup> April 2018
- Flood Risk Report for Ash Shah, prepared by RPS Planning & Environment, dated August 2020 (ref: HLEF/001R)
- Preliminary Ecological Assessment & Bat Building Inspection, prepared by Ecological Planning & Research Ltd (EPR), dated February 2018 (ref: 17/66-1A)

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

- 3 The car parking spaces and cycle storage spaces as shown in approved drawing 386-CDA-ZZ-00-DR-A-0100 Rev 03 shall be provided and made available for use prior to the first occupation of the development hereby approved. These car parking and cycle parking spaces shall continually be made available for the use of residents in perpetuity and shall only be used for purposes ancillary to the residential use of the site.

Reason: To ensure the development effectively mitigates its transport impacts.

- 4 The development hereby approved should be built so that all of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’.

Reason: To ensure that the development achieves an inclusive design.

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

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

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

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

- 7 The development hereby approved shall be implemented in full accordance with the method statement contained in the submitted BS 5837 Arboricultural Report – Impact Assessment & Method Statement at 97 Woodcock Hill Harrow HA3 0JJ, prepared by Crown Consultants, dated 18<sup>th</sup> April 2018, unless alternative details are first approved in writing.

Reason: To ensure suitable provisions are made for the protection of trees.

- 8 The development hereby approved shall be implemented in full accordance with the recommendations set out in paragraph 12.3 of the submitted Flood Risk Report for Ash Shah, prepared by RPS Planning & Environment, dated August 2020 (ref: HLEF/001R), unless alternative details are first approved in writing.

Reason: To ensure suitable provisions are made in addressing the risk of flooding.

- 9 No development shall commence unless a Phase 2 habitat survey for bats, prepared by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The submitted survey shall set out:

- Details of a bat dusk emergence survey of the existing building on site which shall have been undertaken between the months of May and September
- Details of a further bat emergence/re-entry survey of the existing building which shall have been undertaken between the months of May and August.

Any development thereafter shall be carried out in full accordance with the recommendations of the approved survey.

Reason: To ensure suitable provisions are made for protecting bat habitat.

Pre-commencement Reason: The aspect being protected by this condition has the potential to be compromised during demolition works and must therefore be addressed prior to any commencement of works on site.

- 10 Prior to the commencement of the development, a Construction Ecology Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The CEMP shall set out details of any necessary bird nesting checks to be undertaken and measures to be implemented to mitigate impact to biodiversity and to enhance biodiversity as part of the development.

The development shall thereafter be carried out in full accordance with the approved CEMP, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To ensure suitable provisions are made for protecting and enhancing local ecology.

Pre-commencement Reason: Some measures set out in this condition (notably bird nesting checks) will require clear mitigation measures to be established prior to the commencement of the development in order to mitigate harm.

- 11 Subsequent to the erection of protective fencing as required within the arboricultural method statement but prior to the commencement of the development, the applicant's tree consultant shall visit the site to ensure that the tree protective fencing is erected adequately and in precisely the correct location. Observations made by the tree consultant shall be catalogued and submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition prior to the further commencement of development.

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

Pre-commencement reason: Trees have the potential to be damaged from the earliest stages of works and the effectiveness of the protective measures to safeguard trees therefore needs to be assured at this pre-commencement stage.

- 12 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The Construction Management Statement shall outline measures that will be taken to control dust, noise and other environmental impacts of the development. The construction of the development shall be carried out in accordance with the approved statement.

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

Pre-commencement reason: The impacts being controlled by this condition are likely to be

relevant from the earliest stages of works and the effectiveness of the mitigation measures in this respect therefore needs to be assured at the pre-commencement stage.

- 13 Details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition before any work is commenced (excluding demolition and the laying of foundations). The development 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.

- 14 A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition within six months of the commencement of the development hereby approved. The approved scheme shall be completed in full prior to first occupation of the development hereby approved and thereafter retained for the life of the development.

The landscaping scheme shall include:

- Details of plants, including 5 new trees, including location, species, planted size and density/number;
- The planting of native species to provide enhanced foraging opportunities for bats and birds
- Details of screening between the private and communal garden spaces
- The retention of surrounding boundary vegetation to reduce disruption to bat flight lines and to maintain existing foraging habitat for bats and birds;
- Materials used for hard landscaping;
- Details of drainage of the areas of hard landscaping, demonstrating that those areas will drain to area of soft landscaping within the site;
- Screen planting along all boundaries;
- Details of fences/gates/other means of enclosure;
- Any contouring and all alteration of the ground levels;
- An appropriate lighting strategy to minimise disturbance effects of light on nocturnal wildlife
- Installation of bat and bird boxes on retained trees or on new building.
- Details of gates which shall be installed to prevent unauthorised access to the basement car parking area.

Any trees and shrubs planted or to be retained in accordance with the landscaping scheme which, within 5 years of planting is 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 protecting the amenities of the occupants of the development.

- 15 Prior to the first occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The car park management plan shall set out details for preventing car parking from occurring along the access road (aside from the designated blue badge space) or outside of designated parking bays. The car park management plan shall also set out details of how the 10 car parking spaces will be allocated between the flats. The approved details shall thereafter be adhered to in full,

unless otherwise agreed in writing by the Local Planning Authority.

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

- 16 Prior to first occupation of the development hereby approved, further details of the means of bin storage at the front of the site shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The submitted information shall set out a suitable means of screening the bins from the street and for minimising proximity to and enclosure of nearby private amenity spaces within the development.

The development shall thereafter be implemented in accordance with the approved plans and the bin storage space shall be completed and made available prior to the first occupation of the development.

Reason: To ensure that the development provides effective and usable refuse infrastructure.

- 17 Prior to the installation of any external lighting, details of the external lighting, including details of lux levels and light spillage diagrams, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The external lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual amenity impact from external lighting.

#### INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 In the interests of environmental sustainability, the applicant is strongly encouraged to implement all carbon savings measures outlined within the submitted Energy Strategy Report, prepared by Syntegra Consulting (Ref: 16-2113), dated February 2018.
- 7 The applicant is advised that they should apply for and have granted Natural England licences as required prior to the commencement of works on site.



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

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

26 November, 2020  
07  
18/4777

## SITE INFORMATION

|   |   |
|---|---|
| RECEIVED  | 17 December, 2018   |
| WARD  | Dollis Hill   |
| PLANNING AREA   |   |
| LOCATION  | All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London   |
| PROPOSAL  | Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 22 x 1 bed, 18 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping  |
| PLAN NO'S   | See condition 2   |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case<br/> <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143141">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143141</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "18/4777" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol> |

## INTRODUCTION

### Background

The application was presented to committee on the 16 July 2019 where members resolved to grant subject to the outlined conditions and completion of a S106 agreement. However, the developer has not signed the Section 106 Legal agreement yet and has put forward an alternative Affordable Housing proposal which maintains the number of Affordable Homes, but proposes a different form of Affordable Housing from that anticipated when considered originally. This is discussed in greater detail below.

With the exception of affordable housing, all elements of the development as presented to the committee in July 2019 remain the same. This report header seeks to clarify the position in relation to the affordable housing offer only.

The remainder of the report reflects the 2019 committee agenda aside from minor changes to capture the supplementary report that accompanied that item.

### Policy

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 the Brent Development Management Policies 2016.

Key policies include:

#### London Plan 2016

|      |  |
|------|--|
| 2.13 | Opportunity Areas and Intensification Areas  |
| 3.3  | Increasing housing supply  |
| 3.4  | Optimising housing potential   |
| 3.5  | Quality and design of housing developments   |
| 3.6  | Children and young people's play and informal recreation facilities                    |
| 3.9  | Mixed and balanced communities   |
| 3.11 | Affordable housing targets   |
| 3.12 | Negotiating affordable housing on individual private residential and mixed use schemes |
| 3.13 | Affordable housing thresholds  |
| 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   |
| 5.21 | Contaminated land  |
| 6.9  | Cycling  |
| 6.13 | Parking  |
| 7.1  | Lifetime neighbourhoods  |
| 7.2  | An inclusive environment   |
| 7.3  | Designing out crime  |
| 7.4  | Local character  |
| 7.5  | Public realm   |
| 7.6  | Architecture   |
| 7.7  | Location and design of tall and large buildings  |
| 7.14 | Improving air quality  |

#### Brent Core Strategy 2010

|      |   |
|------|---|
| CP1  | Spatial Development Strategy  |
| CP2  | Population and Housing Growth   |
| CP19 | 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                  |
| DMP9b | On Site Water Management and Surface Water Attenuation |
| DMP11 | Forming an Access on to a Road                         |
| DMP12 | Parking  |
| DMP13 | Movement of Goods and Materials                        |
| DMP14 | Employment Sites                                       |
| DMP15 | Affordable Housing                                     |
| DMP18 | Dwelling Size and Residential Outbuildings             |
| DMP19 | Residential Amenity Space                              |

In addition, since the resolution to grant, 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.

Key relevant policies include:

### Draft New London Plan

|      |  |
|------|--|
| GG1  | Building strong and inclusive communities                |
| GG2  | Making the best use of land                              |
| GG3  | Creating a healthy city                                  |
| GG4  | Delivering the homes Londoners need                      |
| GG5  | Growing a good economy                                   |
| GG6  | Increasing efficiency and resilience                     |
| D1   | London's form, character and capacity for growth         |
| D3   | Optimising site capacity through the design-led approach |
| D4   | Delivering good design                                   |
| D5   | Inclusive design   |
| D6   | Housing quality and standards                            |
| D7   | Accessible housing                                       |
| D8   | Public realm   |
| D12  | Fire safety  |
| D13  | Agent of Change  |
| D14  | Noise  |
| H1   | Increasing housing supply                                |
| H4   | Delivering affordable housing                            |
| H5   | Threshold approach to applications                       |
| H6   | Affordable housing tenure                                |
| H7   | Monitoring of affordable housing                         |
| S4   | Play and informal recreation                             |
| G5   | Urban greening   |
| SI1  | Improving air quality                                    |
| SI2  | Minimising greenhouse gas emissions                      |
| SI5  | Water infrastructure                                     |
| SI13 | Sustainable drainage                                     |
| T1   | Strategic approach to transport                          |
| T2   | Healthy Streets  |
| T4   | Assessing and mitigating transport impacts               |
| T5   | Cycling  |
| T6.1 | Residential parking                                      |
| T7   | Deliveries, servicing and construction                   |
| T9   | Funding transport infrastructure through planning        |

### Draft Local Plan

|      |                                       |
|------|---------------------------------------|
| DMP1 | Development management general policy |
| BP6  | South East                            |
| BD1  | Leading the way in good urban design  |
| BH1  | Increasing housing supply in Brent    |

|       |   |
|-------|---|
| BH2   | Priority areas for additional housing provision within Brent          |
| BH5   | Affordable housing  |
| BH6   | Housing size mix  |
| BH13  | Residential amenity space   |
| BE1   | Economic growth and employment opportunities for all                  |
| BGI1  | Green and blue infrastructure in Brent                                |
| 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 |
| BT4   | Forming an access on to a road  |

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

#### Affordable housing provision

An independent review of the applicants Financial Viability Appraisal (FVA), prepared by James R Brown (JRB), was undertaken by BNP Paribas on behalf of the Council to advise the maximum level of affordable housing the scheme could viably deliver. This assessment was carried out on the basis that 16 residential units were proposed for affordable housing, representing 34.4% affordable housing measured on a per habitable room basis. The tenure split was broadly policy compliant with 68.7% of the affordable units being designated as affordable rent. The applicants FVA submission contended that the scheme with the current proposal is not financially viable and the 34.4% affordable housing provision proposed represents more than the maximum reasonable amount of affordable housing the scheme can viably deliver. This position was rigorously tested by BNP Paribas.

The following represented the agreed minimum affordable housing position to be secured by a planning obligation within the 106 legal agreement, at the time members resolved to grant planning permission

|              | Affordable rent | Intermediate |
|--------------|-----------------|--------------|
| 1 bed        | 3               | 0            |
| 2 bed        | 4               | 1            |
| 3 bed        | 4               | 4            |
| <b>Total</b> | <b>11</b>       | <b>5</b>     |

Following committee, there was a slight amendment to the unit mix with an increase in the affordable rented family units and decrease in intermediate family units. The final proposed mix of units is therefore the below

|       | Affordable rent | Intermediate |
|-------|-----------------|--------------|
| 1 bed | 4               | 0            |

|              |           |          |
|--------------|-----------|----------|
| 2 bed        | 2         | 3        |
| 3 bed        | 5         | 2        |
| <b>Total</b> | <b>11</b> | <b>5</b> |

The agreed position in relation to the affordable rented homes required the 4 x 1 bed and 2 x 2 bedroom units to be capped at no more than 80% of market rents inclusive of service charges and capped at Local Housing Allowances rates. The agreed position in relation to the family housing required the 5 x 3 bedroom homes to be capped at no more than 60% of market rents inclusive of service charge and capped at LHA rates.

### Rentplus

The standard s106 wording refers to a number of recognised Registered Providers operating in the borough with whom developers are required to negotiate the disposal of their affordable units. Rentplus are not one of those recognised.

A schedule of interest has been submitted by Rapleys on behalf of the developer, evidencing engagement with recognised Registered Providers in the borough and wider North London. Beyond initial interest, none of those approached agreed to take up the homes, with the reasons given ranging from the scheme being too small, to the A4 use (public house) at ground floor being undesirable particularly given its proximity to the family units.

The Rentplus model is less conventional, providing affordable housing based on a period of between 5 and 20 years, renting at no more than 80% of market rent inclusive of service charges and ground rent and capped at Local Housing Allowance Levels. Rentplus together with the Registered Provider and local authority, allocate prospective tenants into four groups which accord with 5, 10, 15 and 20 year purchase plans. After their given tenancy period the occupier will then be invited to purchase their property at a 10% discounted sale. If they do not wish to purchase, a cascade come into play where the unit is occupied by a substitute qualifying household, or if none offered to a Registered Provider, and in default of all of the above, sold on the open market with 7.5 % of the sale value paid to the Council as a contribution towards the delivery of Affordable homes in the borough. The Rentplus model works on the basis of 25% of the properties being sold every 5 years. As there are 16 units within the scheme, 4 of these are proposed to be on 5 year purchase plans, 4 on 10 year purchase plans, 4 on 15 year plans and 4 on 20 years plans. The RentPlus homes would be owned by RentPlus but let by a Registered Provided.

There are several key differences between the agreed affordable housing offer and the proposed.

Firstly, there would be no shared ownership homes under the Rentplus model, with all units starting off as Affordable Rented homes.

Another key difference is the rent level that some of the homes are capped at. The affordable housing offer previously considered by the Planning Committee set the maximum percentage of market rent dependent on their size. The five 3-bedroom homes previously were proposed to be rented at a maximum of 60% of market rent (inclusive of service charge and ground rent) and capped at LHA levels and the other homes were to be capped at 80 % of market rent and LHA levels. Under the Rentplus proposal, all homes are to be offered at 80% of market rent or Local Housing Allowance (LHA) levels whichever is lower, and the cap for the five 3-bedroom homes would therefore be now set at up to 80 % of market rent but still capped at LHA levels.

The final key difference is the provisions for the potential sale of the homes. Affordable Rented homes that are delivered through a Registered Provider may be sold. However, under RentPlus, the period at which they will be offered to the tenants to purchase ranges between 5 and 20 years. The 'traditional' form of Affordable Rented housing may also be purchased as these homes are subject to Right to Acquire. This can take place once a tenant has had a public sector landlord for more than 3 years. However, as discussed above, a cascade system is applicable to RentPlus homes where they may be sold on the open market after the period of time if a substitute qualifying household is not available and a Registered Provider does not wish to purchase the property. Where homes are sold on the open market, the Local Authority receives 7.5% of the

sale to invest in future affordable housing.

The revised Affordable Housing proposal would be considered to constitute the provision of all of the Affordable housing as Affordable Rented homes (as defined in the NPPF) and as such, would represent a departure from Policy DMP 15 which specifies that 30 % of the Affordable provision should be Intermediate Housing. However, the over-provision of Affordable Rented Accommodation is considered to outweigh the harm associated with the absence of Intermediate housing. This is in part due to the need for Affordable Rented homes in the borough, but also as the proposed tenure would also represent a route to affordable home ownership. The revised Affordable Housing proposal does not secure the five 3-bedroom homes at 60 % of market rent, instead capping all home at (the lower of) 80 % and LHA levels. However, this is considered to materially accord with adopted policy.

Increasing weight has been given to emerging policy, with the majority of policies within the London Plan (intend to publish version) now given greater weight as the Examination concluded some time ago and the panel of inspectors only citing certain areas of concern. As such, the London Plan policies regarding the provision of 30 % of the homes as London Affordable Rent are now afforded some weight. The proposal would not accord with this element of emerging policy, with no London Affordable Rent homes proposed. The emerging Brent Local Plan (Reg 19 version) has been subject to Examination. However, the inspectors report has not yet been received and as such, the policy requirement for 70 % of the Affordable homes to be provided as London Affordable Rent is only given limited weight at this point in time.

Brent's housing officers have considered the proposal. While they recognise that this product may not be accessible to those on the lower incomes who may be placed in London Affordable Rented accommodation, it would provide another form of Affordable Rented housing and would increase the overall provision of Affordable Rented housing within the scheme. They have expressed their support for the proposed change in the Affordable housing offer.

When comparing the proposed with the previously agreed affordable housing position, the scheme would continue to deliver 34.4% affordable housing, with an uplift of affordable rented units (albeit for a limited period of time) and without any shared ownership product. While it would represent a departure from emerging London Plan policy in that no London Affordable Rented homes are proposed, and a departure from policy DMP15 in that no Intermediate homes are proposed. However, the increase in Affordable Rented accommodation above the previous affordable housing proposal is considered to be positive. On balance, the harm associated with the departures from emerging and adopted policy discussed above are considered to be outweighed by the benefits of the proposal and it is recommend that planning permission is granted for the proposed development subject to the completion of a section 106 legal agreement.

As before, and in line with DMP15, a post-implementation s106 review mechanism would be secured, whereby scheme viability is re-appraised 6 months prior to practical completion (or on sale of 50% of market units), and half of any surplus over the benchmark land value and agreed profit level taken as deferred affordable housing planning obligations in the form of a commuted sum ring-fenced for offsite affordable housing delivery, any such sum capped at a level commensurate with the delivery of 50% affordable housing onsite.

The remainder of the report reflects the version previously presented to members, but with the contents of the supplementary report incorporated within the main report.

## **RECOMMENDATIONS**

That the committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation

3. ~~[Affordable housing to provide at least 16 affordable rented dwellings ( 4 x 2 bed and 3 x 1 bed capped at no more than 80% market rents inclusive of service charge and capped at LHA rates, 4 x 3 bed at no more than 60% market rents inclusive of service charge and capped at LHA rates) and 5 intermediate/shared ownership units]~~ NOVEMBER 2020 COMMITTEE: MEMBERS SHOULD NOTE THAT THE AFFORDABLE HOUSING PROVISION WOULD NOW CONSTITUTE 16 DWELLINGS PROVIDED AS RENTPLUS AFFORDABLE RENTED HOMES, COMPRISING 4 X 1-BEDROOM, 5 X 2-BEDROOM AND 7 X 3-BEDROOM HOMES

4. Affordable housing review mechanism - post implementation s106 financial review mechanism
5. Training and employment
6. Sustainability and energy
7. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions:

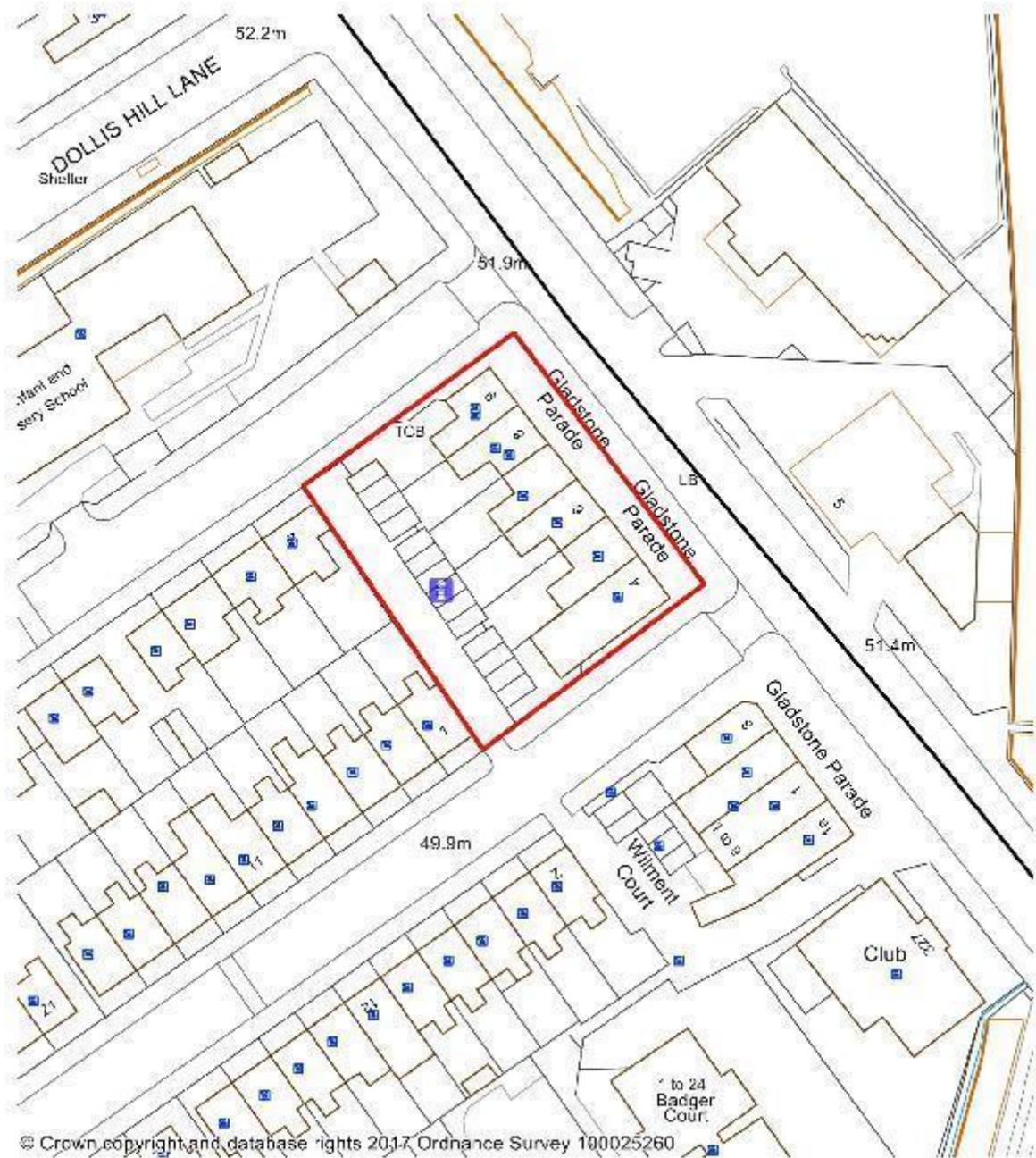
1. Standard 3 year permission
2. Approved plan numbers/documents
3. Details of materials
4. Hours of operation A5 unit
5. Hours of operation A4 unit
6. Hours of operation outdoor seating area
7. Wheelchair accessibility
8. Parking spaces, cycle storage and public/private footway
9. Vegetation clearance
10. A4 use class restriction and PD rights
11. Mechanical Plant - noise testing
12. Hard and soft landscaping
13. Water usage
14. Construction CEMP
15. Air quality
16. Delivery and servicing plan
17. Remediation statement
18. Privacy screens
19. Obscure glazed windows
20. No change of use from C3 to C4
21. Vehicle charging points
22. Emission standards NRMM

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, informative, 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 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 the application the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission

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

## **SITE MAP**



This map is indicative only.

## **PROPOSAL IN DETAIL**

The application proposes, the demolition of the existing parade of shops, residential units and garages to the rear of the site and the construction of a part three to six storey building.

The proposed building would consist of a public house (use class A4) and three commercial units (use class A1/2 and A5) at ground floor level accessed from the Edgware Road of the site.

The rear ground floor level would consist of a car park with 21 spaces and loading areas to serve the residential units and provide servicing for the commercial units.

The residential units would be access via either side of the building and would consist of 14 x 3 bed units, 19 x 1 bed and 21 x 2 bed units with 16 of these units being affordable

Private terraces would be provided to all residential units and there would also be communal amenity areas at first floor, third, fourth and fifth floors.

## **EXISTING**

The application site concerns a three storey building consisting of commercial units at ground floor level and residential units in the upper floors that is located on Edgware Road. Although the site is now vacant, there were previously seven commercial units on site A1, A4 and A5 uses. The parade of shops is not a designated shopping parade but is classed as a local centre.

The site is of no heritage value. It is not located within a conservation area and does not contain any listed buildings.

The area to the west of the site is residential in character with two storey dwellinghouses. A school is located to the north of the site along Edgware Road and there are further commercial buildings located to the south also on Edgware Road. The opposite side of the road is Barnet where a large residential development has recently been completed and there is also a petrol station.

## **SUMMARY OF KEY ISSUES**

### **Principle**

There is no objection in principle to the demolition of the shopping parade subject to the re-provision of a good quality and quantity of residential and non residential units are re-provided as well as the public house. The proposal would also include 26% family sized units of which there is a recognised need within the borough and 30% affordable housing which is the maximum reasonable amount of affordable housing the scheme can currently deliver. The principle of development is therefore considered to be acceptable.

### **Character and appearance**

The proposal is considered to have an acceptable design that would be appropriate in this setting and would not inappropriately challenge or dominate surrounding development

### **Standard of accommodation**

The development would provide an acceptable standard of internal and external amenity for the occupants of neighbouring properties.

### **Impact on neighbouring amenity**

The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

## Parking and Servicing

It is considered that the combination of the 21 parking spaces proposed and the use of a 'permit free' agreement secured by condition would mitigate against parking concerns in the area. It is considered that due to the revisions made to the proposed servicing arrangements that they would be suitable for the site and not materially harm the surrounding area.

## RELEVANT SITE HISTORY

### 17/0298 - Granted

Demolition of all mixed use buildings and garages and construction of part three, part four and part five storey building providing 219sqm of flexible retail floorspace for shop/financial and professional services (Use Class A1/a2), hot food takeaway (Use Class A5) and 153sqm for public house (Use Class A4) at ground floor level, and 38 residential units (Use Class C3) on the upper floors comprising 16 x 1 bed, 12 x 2 bed and 9 x3 bed and 1 x 4 bed units with associated car and cycle parking spaces, bin stores and landscaping

## CONSULTATIONS

Neighbour consultation letters were issued to 124 properties on the 02/01/2017. Site notices were displayed on 24/01/2019. Press notice advertised on 24/01/2019

To date 21 objections have been received that have raised the following concerns:

| Objection   | Response  |
|---|---|
| Impact on parking   | The proposal would provide 21 parking spaces and a 'permit free' agreement would also be secured to ensure that new residents do not park in adjoining streets in the event a CPZ is introduced in the future.  |
| No consultation on planning application                     | Publicity was carried out exceeding the Council's statutory duty. Neighbour consultation letters were issued to properties within 200 metres of the site, site notices were erected and an advertisement was placed in the local paper.   |
| Impact of construction works and unacceptable working hours | Due to the need to demolish the property officers recommend an informative is added reminding the applicant to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects. |
| Loss of valuable local amenities                            | The pub will be re-provided as well as two units that could potentially house a shop due to their use class and a unit will be provided that could provide a replacement fish and chip shop.  |
| Over development of the site                                | The scale of development is considered acceptable in this location.   |
| Impact on character   | The existing building is not listed and not in a conservation area and the proposed design is considered to be acceptable in light of the varied nature of Edgware Road   |
| Loss of light   | The applicant has submitted a Daylight/Sunlight report that shows that there would be no material loss of light to neighbouring properties.   |
| Impact on amenity and health through poor air quality       | The proposal has been assessed in terms of neighbouring amenity and health and found to be acceptable. . An Air quality assessment has been submitted with the application and conditions have been recommended to ensure that the future residential units are mechanically ventilated |

|   |  |
|---|--|
|   | where appropriate.   |
| Amount of affordable housing proposed is too low    | This has been subject to a stringent viability assessment with the amount proposed being the maximum viable amount possible.                                       |
| Insufficient services to support new residents      | The subject site is located in close proximity to town centres with access to local services. The development would also be liable for CIL payments.               |
| Overlooking and loss of privacy                     | Separation distances as outlined in the SPD 1 would be achieved  |
| The density is too high and the flats are too small | The density of units is justified due to the location of the site and the quality of the development. The size of the units complies with minimum space standards. |

### Internal consultation

Transport & Highways – no objections subject to revised drawings and conditions  
Environmental Health – no objections subject to revised information and conditions

### Additional objections discussed in the Supplementary Report to the 2019 planning committee meeting

The following is the text from the Supplementary Report:

Additional representations have been received following the publication of the committee report. The objections have come from two residents, a Councillor and Dollis Hill Residents Association. This supplementary report clarifies the matters raised.

#### 1.1 Density

Additional comments have been received regarding the proposed density, which significantly exceeds that specified in the London Plan. However, it is noted in the report (p.9), that the London Plan Density Matrix should not be treated mechanistically and this approach is widely recognised. Furthermore, the draft London Plan withdraws the density matrix and encourages a more flexible approach to housing density. It encourages density to be maximised based on site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) the capacity of surrounding infrastructure. As already outlined, the development would be sited in close proximity to two town centres (Cricklewood and Willesden Green) and the site would also benefit from improved public transport in future through the construction of a new Thameslink station.

#### 1.2 External amenity space

The report inaccurately states that all units would benefit from private terraces (p.6). Five of the one bedroom units on the first and second floors would not have access to a private terrace. However, all of these would benefit from larger internal areas. Technical Space Standards requires an area of 50sq.m for a 1p2b unit and the units without amenity space would have areas of between 55sq.m and 58sq.m and therefore would be generously proportioned in this regard. Furthermore, communal terraces would be provided at various levels, ensuring future residents of these units have good access to external space.

Whilst comments have also been raised with regards to the accessibility of the communal areas. It is acknowledged that not all of the units would have access to all the roof terraces, however, roof terraces would be accessible to each core and all units would have access to the main communal area at first floor level. Communal amenity spaces would therefore be convenient to access for all units.

#### 1.3 Single aspect

Additional comments have also been received in relation to the quality of the units, with concerns raised in relation to a large number of single aspect units. The single aspect units are predominantly one bedroom units. The submitted daylight/sunlight report, confirms that all habitable rooms of these units would receive good levels of daylight/sunlight. None of the single aspect units would be north facing due to the building's orientation nor family sized which the London Plan seeks to avoid. Furthermore, none of the units would be

affected by unacceptable levels of noise and the air quality statement, confirms that the use of mechanical ventilation to the units fronting Edgware Road (up to second floor level) would help to ensure they do not suffer from poor air quality.

#### 1.4 Commercial provision

A number of other clarifications are made in respect of the report. The applicant has raised that the area of commercial provision is actually greater than that previously proposed by 8sq.m. It should be noted however that not all the area identified would be useable areas for customers. Nevertheless, if these areas are taken into account there would be a small increase in the commercial provision.

#### 1.5 Air Quality

Comments have also been made in relation to air quality. The submitted air quality report acknowledges that the transport related emissions would exceed the benchmark, however as there would be no building emissions, the development would be air quality neutral. In relation to the units with habitable room windows fronting Edgware Road, mechanical ventilation is proposed in order to minimise exposure of future occupants to poor air quality. It should be noted that whilst the scheme proposes an uplift in residential units, the situation in relation to air quality would be the same as the extant scheme, with habitable rooms windows fronting Edgware Road and Mechanical ventilation proposed in order to manager future residents' exposure to poor air quality.'

#### 1.6 Affordable housing

The report refers to 30% affordable housing provision on p. 3 and 34.4% affordable housing provision on p.6. The larger figure refers to affordable housing provision based on habitable rooms and the smaller figure refers to provision based on number of units.

## **POLICY CONSIDERATIONS**

Development Plan:

London Plan consolidated with alterations since 2011 (March 2016)

Development Management Policies, London Borough of Brent (2016)

London Borough of Brent LDF Core Strategy 2010

Other material planning considerations:

NPPF (2018)

SPD1 - Brent Design Guide

Mayor's Housing SPG

## **DETAILED CONSIDERATIONS**

Consent for a smaller scheme was granted under planning permission 17/0298. The main change in terms of the design relates to the increase in the number of storeys from five to six storeys. There has also been an uplift in the number of residential units from 38 to 54, with an -increase in the number of affordable units from 10 to 16. The other changes will be discussed in detail in the main body of this report.

Officers hold the key considerations to be the following:

1. Principle
2. Character and appearance
3. Standard of accommodation
4. Affordable housing
5. Density
6. Impact on Neighbouring Amenity
7. Transport
8. Energy and sustainability
- 9..Environment

## **1. Principle**

1.1 The principle of a mixed use development was considered acceptable in the previous permission which is implementable..

1.2 The existing building, although now vacant, is considered to be a local centre and therefore the most relevant policy is DMP 4. DMP 4 states that development resulting in the loss of local retail and service provision will not be permitted unless there is alternative equivalent provision within 400 metres. The proposal would result in the net loss of two commercial units, when considered in relation to the existing parade, and there would be a slight reduction in commercial floorspace over the previously approved scheme. Nevertheless the provision would remain the same with the units consisting of a public house (use class A4), two flexible use class A1/A2 units (although indicated as A1 on the drawings) and one hot food takeaway (use class A5) unit. Although a slight reduction in floorspace of that previously proposed, the units would still remain of a good, useable size, with the public house retained in accordance with DMP21. When taking into accounts the wider merits of the scheme, the proposed commercial provision is considered acceptable.

1.3 With regards to the residential aspect of the proposal, the application would result in a net increase of 48 new homes of which 14 (26%) would be family sized with a proportion being affordable.

1.4 On the basis of the above the principle of the re-development is again considered acceptable.

## **2. Character and appearance**

2.1 The consented scheme proposed a five storey building, reducing in height from five storeys at the front to three storeys to the rear. The proposed scheme increases to six storeys, maintaining three storeys to the rear and being at its greatest height fronting Edgware Road. The submitted drawings illustrate the height of the approved building relative to the proposed. Rather than significantly increasing the height of the building to accommodate the additional storey, this has largely been achieved by lowering internal floor to ceiling height. The maximum height increase is stated to be 710mm over the consented scheme, although it should be noted that the increase would be greater than this at some points due to the varying height of the development. Nevertheless, it is considered that the increase of height in itself would not necessarily be overtly apparent from ground level when considered in relation to the scheme already granted permission.

2.2 However, whilst the increase in height would be limited, the alteration would have implications in terms of the design, particularly as it would clearly be read as a six storey building. . During the course of the application, minor amendments were made in order to enhance the design. Amendments include the addition of a brick wall at roof level set behind the facade to give the impression of a more varied roof line, increasing the width of the brick openings at the corners to create greater openness, setting in of balcony railings in order to avoid cluttering to the flank elevations and revising the balconies to the front of building to add more interest. Overall the design approach is considered to be similar to the previously approved scheme, with a staggered development incorporating various set backs to create interest. The detailing, including the brickwork, balconies and fenestration would also be the same as the approved scheme and are therefore considered acceptable.

2.3 When considering the relationship of the proposed building with surrounding development it is considered acceptable. The resulting building would continue to respect the small scale residential buildings to the rear by maintaining the height as already approved. The scale of the building would be experienced most evidently fronting Edgware Road, however there is little consistency to scale or design of buildings here, given the mixed use of buildings on Edgware Road. Whilst it is noted that the building would be sited between one, three storey building and the single storey school building, when considered in its wider context, the overall scale and design of the building would not be unacceptable. When considering the surrounding public vantage points, the proposed building would have a well articulated appearance and the full extent of the development would not be viewed from many surrounding areas.

2.4 The development is therefore considered to have an acceptable impact on the character and appearance of the street scene and locality.

## **3. Standard of accommodation**

3.1 In terms of quality of accommodation, a good standard would be achieved for future residents of the site.

3.2 All of the units would comply with Technical Space Standards in terms of internal floor space, with the majority of the units exceeding the minimum areas specified. The applicant has submitted a daylight and sunlight assessment to show that all of the units would achieve good levels of daylight and sunlight. In terms of outlook, all units would benefit from unobstructed views and therefore the quality of accommodation would also be positive in this regard.

3.3 It is noted that a number of the units would be single aspect, with a greater ratio being single aspect than the consented scheme. Whilst the Mayors Design Guide states that single aspect dwellings should be minimised, officers acknowledge that they can not be avoided altogether. In this case, the development has been designed to ensure that all single aspect dwellings are one or bedroom units, with the units arranged so to ensure that they are not north facing. Of the 54 units proposed, 22 of the units would be single aspect which is a large proportion at 40% nevertheless of these 22 just four of these would contain more than one bedroom, and therefore it is considered that the most appropriate units are designated single aspect.

3.4 In terms of privacy, it is noted that some private terraces would adjoin others, however, any overlooking issues could be addressed through the provision of adequate privacy screens, which will be requested by condition.

3.5 Concerns were raised during the course of the application, with regards to privacy to two of the units as access to a communal terrace area and an adjacent window would mean passing habitable room windows which would likely reduce the quality of accommodation for the residents of these units. Nevertheless, as these windows would be secondary windows serving habitable rooms, it is considered that the use of obscure glazing and ensuring they are fixed shut below 1.7m would ensure their privacy. The rooms that these windows serve would benefit from these windows being retained.

3.6 In terms of amenity space, following amendments to the submitted scheme, all units would benefit from a private balcony or terrace which would be positive. The area allocated to each individual unit would vary considerably, however, all of the one bedroom units would have access to a minimum of 5sqm with the larger units benefiting from larger terraces meeting the standards outlined in the Mayors Design Guide. Whilst it is acknowledged that DMP 19 requires a significantly higher proportion of external amenity space, the private space would be uplifted through a number of communal areas including a large central courtyard at first floor (242.58sqm), a communal terrace at third floor (61sqm) another at fourth floor (56.54sqm) and two at fifth floor (78.71sqm). The communal areas would therefore allocate each unit an additional 8.2sqm of external space. Although the total would fall below DMP 19 standards when considered against the number and size of the units, it should be noted that the majority of units are oversized and therefore the shortfall can be offset by the provision of larger internal areas. Whilst a number of private terraces would be accessed through a bedroom rather than a main living area, which is a preference, it is not considered that this arrangement would be so significant to determine that the quality of accommodation would be poor. There are also public parks and amenity space within relatively close proximity to the site, which adds to the range of outdoor space which would be convenient for the future occupiers.

3.7 In accordance with DMP 1, DMP 18 and DMP 19 the development would ensure a good standard of internal and external amenity for future occupants of the site, despite the minor departure from DMP19 in terms of the amount of external amenity space which falls below DMP19 targets.

#### **4. Affordable housing**

4.1 An independent review of the applicants Financial Viability Appraisal (FVA), prepared by James R Brown (JRB), was undertaken by BNP Paribas on behalf of the Council to advise the maximum level of affordable housing the scheme could viably deliver. This assessment was carried out on the basis of the proposed 54 unit scheme. 16 residential units are proposed for affordable housing, representing 34.4% affordable housing measured on a per habitable room basis. The tenure split is broadly policy compliant with 68.7% of the affordable units being designated as affordable rent. This provision falls below the borough strategic target which states that 50% of new homes should be affordable. The applicant's FVA submission contends that the scheme with the current proposal is not financially viable and the 34.4% affordable housing provision proposed represents more than the maximum reasonable amount of affordable housing the scheme can viably deliver. This position has been rigorously tested by BNP Paribas.

4.2 JRB provided a Benchmark Land Value (BLV) based on the Site's existing use value plus a premium. JRB concluded the existing use value was £3.91m and applied a 15% premium to arrive at a BLV of £4.5m. JRB's appraisal of the proposed scheme arrived at a Residual Land Value (RLV) of £3.16m which put the

scheme in a financial deficit of -£1.34m compared to the BLV and therefore demonstrating the scheme is not viable.

4.2 BNP Paribas agreed with the existing use value approach that JRB adopted to calculate the BLV but claimed that JRB had overstated the value of the site. BNP Paribas referred back to an Allsop report which informed the BLV during the previous application. The Allsop report, dated October 2016, concluded the existing use value of the site was £3.6m. BNP Paribas agreed with the report during negotiations for the previous application and stated that the retail market is weaker now than it was in October 2016. On this basis BNP Paribas adopted the Allsop value of £3.6m and applied the 15% premium to arrive at a reduced BLV of £4.14m. BNP Paribas made changes to certain assumptions used in JRB’s appraisal for the proposed scheme. These changes included (but were not limited to) increase in private sales values, reduction in professional fees and changes to the assumed level of developer’s profit. BNP Paribas’ amended appraisal for the proposed scheme arrived at a RLV of £4.49m which showed a small surplus of £0.35m compared to their revised BLV.

4.4 JRB provided two subsequent responses to the BNP report which contested several issues and BNP maintained their position on all points initially. The second response also provided additional cost evidence claiming that both JRB and BNP previously understated the likely build costs. Actual tenders provided by 2 contractors were provided to BNP’s external quantity surveyor (CDM Project Services) to review. Based on the tender submitted by the contractor the applicant had selected CDM and BNP Paribas both concluded that the revised expected build costs removed the £0.35m surplus originally identified in BNP’s report. On this basis BNP Paribas concluded that the current 34.4% affordable housing offer represented the maximum reasonable amount that the scheme can viably offer.

4.5 The following represents the agreed minimum affordable housing position to be secured by a planning obligation within a S106 legal agreement, should Members resolve to grant planning permission:-

| <b>11 x Affordable Rent</b> | <b>5 x Intermediate</b> |
|-----------------------------|-------------------------|
| Unit R1 (3 bed)             | Unit R4 (3 bed)         |
| Unit R2 (3 bed)             | Unit R12 (3 bed)        |
| Unit R5 (1 bed)             | Unit R13 (2 bed)        |
| Unit R6 (2 bed)             | Unit R16 (3 bed)        |
| Unit R7 (1 bed)             | Unit R24 (3 bed)        |
| Unit R8 (2 bed)             |                         |
| Unit R9 (2 bed)             |                         |
| Unit R10 (1 bed)            |                         |
| Unit R11 (2 bed)            |                         |
| Unit R14 (3 bed)            |                         |
| Unit R15 (3 bed)            |                         |

4.6 The scheme delivers 34.4% affordable housing. In line with DMP15 Officers recommend a proportionate post-implementation s106 review mechanism be secured, whereby scheme viability is re-appraised 6 months prior to practical completion (or on sale of 50% of market units), and half of any surplus over the benchmark land value and agreed profit level taken as deferred affordable housing planning obligations in the form of a commuted sum ring-fenced for offsite affordable housing delivery, any such sum capped at a level commensurate with the delivery of 50% affordable housing onsite.

**5. Density**

5.1 The proposal makes highly efficient use of this land to provide a significant contribution to Brent's annual housing target currently standing at 1525 per year. The draft London Plan proposes a significant increase in this number to 2915 home per year, and therefore there is increased pressure to use land as efficiently as possible in order to meet this proposed future demand.. London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is considered to be in an ‘Urban’ setting, with a PTAL of 3 would be appropriate for accommodating 200 – 450 hr/ha, or 45 to 120 u/ha. Paragraph 17 of the NPPF sets out ‘core planning principles, including that planning should "encourage the effective use of land by reusing land that has been developed previously, provided that it is not of high environmental value”.

5.2 The proposed scheme would result in a level of density above the matrix range, as development is proposed to be 284 units/ha. However the London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play.

5.3 The location of the site and the varied existing wider context and character of different buildings and uses locally, together with the regular bus services connecting the area with Willesden Underground Station and Cricklewood Station, the quality of the proposed design and the quantum and quality of on site amenity space and how these contribute to a sense of place are important determining factors when considering residential density. This 'urban' site is within 500m walking distance of Cricklewood Town Centre and has a PTAL rating of 3 which would be increased to 4 subject to the proposed Thameslink. For these reasons the proposed level of density can be supported.

## **6. Impact on neighbouring amenity**

6.1 The development would not result in material harm to the living conditions of adjoining and nearby residents, despite the increase in height.

6.2 Residential units are located directly to the west of the site in the form of two rows of two storey terraced properties, starting with No.1 Gladstone Park Gardens on the south-west side and No.2 Dollis Hill Avenue on the other. Due to the fact that the outlook of these properties is at a right angle to the proposed development it is unlikely that views from the rear windows would be materially harmed. There would however be an increase in mass closer to the boundary of these properties and their rear gardens. Currently the single storey row of garages is located just over 6 metres from the boundaries of the nearest properties. The proposal would see development located 3.4 metres from the boundary at a height of just over 10 metres which is a significant increase. However the height is mostly contained adjacent to the side elevations of each property where there are no habitable room windows. The rear of the development would then drop down to approximately 7 metres to take into account the presence of the rear gardens of the neighbouring properties. Whilst the overall height of the building is proposed to increase, the height would be maintained as approved in this in this key location and therefore the proposal would continue to comply with the Council's 45 degree line guidance set out in SPD 1. The building would therefore not appear overbearing or create an unacceptable sense of enclosure.

6.3 The applicant has also submitted a Daylight/Sunlight report in support of the application. This report has assessed the potential impact that the proposal could have on the two residential properties located immediately to the west, No.1 Gladstone Park Gardens and No.2 Dollis Hill Avenue and two properties to the south No.2 Gladstone Park Gardens and No.3 Gladstone Parade. There are no residential properties to the north. The report has found that the only property that would have a slight loss of light would be No.2 Gladstone Park. This concerns a room that is also served by additional windows and therefore would mitigate against any potential loss.

6.4 The proposal would see the inclusion of a number of communal and private terraces/balconies to the rear. However the use of planting and privacy screens would ensure that overlooking to the neighbouring properties would be reduced. With regard to outlook the units to the rear of the site have similar direction views to the neighbouring residential units in a north/south direction which would ensure that no overlooking would take place. The units at the front of the building would look westwards towards the rear gardens of No.1 Gladstone Park Gardens and No.2 Dollis Hill Avenue. However the terraces and windows would maintain a minimum separation of 20 metres which is considered acceptable. Officers are therefore confident that the reduction in height of the proposed building towards the rear of the site and the orientation of the existing and proposed buildings would ensure that the proposal would not materially harm the amenity of neighbouring residents

6.5 The application proposes the inclusion of a public house and a takeaway unit. Officers have given consideration to the fact that both of these uses could have potential impacts on the amenity of existing and prospective residents. As such conditions are recommended concerning the hours of use of both premises and any extraction equipment for the takeaway unit.

6.6 The development would therefore continue to have an acceptable impact on the occupants of neighbouring residential properties.

## **7. Transport**

7.1.1 Edgware Road a London Distributor road and Gladstone Park Gardens and Dollis Hill Avenue are both local access roads. The site does not lie within a CPZ but is subject to waiting restrictions at all times along the site frontage on Edgware Road, as it is a major A-road (A5). There are also waiting restrictions at both junctions of Gladstone Park Gardens and Dollis Hill Avenue, with the Edgware Road. The rest of Gladstone Park Gardens and Dollis Hill Avenue do not have parking restrictions along them, but both streets are defined as heavily parked. Dollis Hill Avenue is a 20mph zone due the vicinity of the school in close proximity to the site. Gladstone Park Gardens has a banned right turn onto Edgware Road.

7.1.2 The site has moderate accessibility with a PTAL rating of level 3. No tube or rail stations are within walking distance of the site, but seven bus routes are locally available.

### **7.2 Parking**

7.2.1 Parking Standards are contained within appendix 1 of the Development Management Policies. The existing 6 flats are permitted 1 spaces for each unit 1-2 bed unit and therefore a total of 6 spaces are permitted for the site and a further 6 spaces permitted for the existing ground floor retail units. There are approximately 13 garages at the rear of the site that satisfy existing parking standards. The proposed residential dwellings are permitted 1 space per 1-2 bed unit and 1.5 spaces per 3-bedroom unit. This totals 61 parking spaces for the proposed 54 residential units, which is a significant increase in parking standards. The site also proposes 4 commercial units, with the parking allowance for retail units being 1 space per 100m<sup>2</sup> and therefore a further 4 parking spaces are permitted. 21 off-street parking spaces are proposed to the rear of the site.

7.2.3 However, DMP 12 requires the impact of overspill parking to be considered and requires that overspill parking can be safely accommodated on-street. On-street parking is able to be counted towards meeting requirements along lightly parked local access roads which have sufficient width to safely accommodate on-street parking. However, Edgware Road is a London Distributor Road and Dollis Hill Avenue and Gladstone Park Gardens are both confirmed as heavily parked streets. Brent's last overnight parking survey carried out in 2013 showed 95% occupancy on Dollis Hill Avenue and 116% occupancy on Gladstone Park Gardens.

7.2.4 With parking meeting less than 40% of the maximum standard, there is potential concern regarding overspill parking. However the situation was the same with the approved scheme whereby concerns were raised over the lack of on- street parking spaces and the resultant impact on the surrounding heavily parked streets . It was however noted that the Brent Cross Redevelopment would bring a new Thameslink station to the area by 2022 on the current programme, which would lift the PTAL value to 4 (good access to public transport) and therefore reduce the parking standard. It was also noted that funding is reserved from the Brent Cross development for a CPZ consultation in the area. On this basis development could therefore potentially be backed by a 'permit free' agreement that could be enforced should a CPZ come into effect. Weight was also given to census data which calculated that car ownership for flats in the area is 0.4 cars per flat. As such, whilst there were concerns over the parking levels proposed, there were mitigating factors that were due to come into effect over the next few years that would help to address these concerns.

7.2.5 The current proposal would increase the number of units from 38 to 54 and car parking spaces would be retained as previously approved (21 spaces). This would add to the previous concerns regarding overspill parking, with the ratio of parking spaces per unit falling from 0.55 to 0.38. It should also be noted that the proposed expansion of the Brent Cross shopping centre has been put on hold for the time being. However, this should not delay the construction of the new Thameslink station or provision of CPZ funding for the area, so the previous judgement of the presence of a new station and potential new CPZ would still be applicable.

7.2.6 As such, the proposed number of car parking spaces are again considered to be acceptable, subject to a 'car-free' agreement to mitigate potential overspill parking concerns.

### **7.3 Access**

7.3.1 The vehicular access at the rear of the site will be a one way system. The site is proposed to be accessed via a 3m wide private road, which will run parallel to Edgware Road and will be accessed via Gladstone Park Gardens and egressed via Dollis Hill Avenue which is acceptable.

### **7.4 Servicing & Refuse Collection**

7.4.1 Two loading bays are proposed to the rear of the site with the access from the rear of the units being provided in order to avoid any loading from Edgware Road.. Tracking diagrams have been provided that demonstrate vehicles will be able to leave the one-way access road in forward gear.

7.4.2 The two bin storage areas have been located at either side of the development allowing satisfactory access from both cores and also allowing direct access onto the Public Highway for collection. There are existing double yellow lines on Dollis Hill Avenue and Gladstone Park Gardens. Refuse vehicles could stop in this area, located 7 metres from the junction with the Edgware Road. The area should be clear of other vehicles due to the presence of the yellow lines and allow refuse vehicles to temporarily wait to collect rubbish.

## 7.5 *Cycle Parking*

7.5.1 The development proposes 90 cycle parking spaces for the residents, 4 cycle parking spaces for the commercial units and 10 cycle spaces for visitors. These spaces are compliant with the London Plan and are welcomed. The 94 resident and commercial cycle spaces will be provided in a cycle store at the rear of the building, which will protect them from theft and weather. The 10 visitor cycle spaces will be provided within the private forecourt at the front of the building. Although these spaces will be at the front building, on Edgware Road, they will be on private footway and therefore would be maintained privately. The private footway and public footway should be demarcated with a row of setts, to avoid any confusion.

## 8.0 *Energy and Sustainability*

8.1 London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. As outlined in the Housing SPG from 1 of October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E)

8.2 The application is supported by an energy assessment. The scheme has been designed to a Certified Passivhaus level. The Core focus of Passivhaus is to dramatically reduce the requirement for space heating and cooling by adopting a fabric first approach to the design by specifying high levels of insulation, air tightness and mechanical ventilation. Due to the adopted approach, the site proposes to achieve all of the 35% reductions against Class L through fabric and energy efficiency improvements.

8.3 The applicant has not submitted a BREEAM pre-assessment. Core Strategy Policy CP19 requires all major non-residential development to achieve a rating of BREEAM excellent. However, because the floor area proposed the retail element would not be considered major, this requirement is not considered to be necessary.

## 9.0 *Environment*

### 9.1 *Trees and Landscape*

9.1.1 A Tree Survey, Tree Protection Plan and Arboricultural Impact Assessment all support the application. These consider the impacts on trees on and adjacent to the site during the construction stage and the life of the development. It is proposed to remove a number of trees within the site which is acceptable subject to replacement planting. Subject to further details of new planting (including new trees), to be agreed as part of a landscaping condition, and implementation of the tree protection plan measures set out there would be no objection. This was the same as the previously approved scheme.

### 9.2 *Air Quality*

9.2.1 The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by XCO2 has been submitted considering the potential air quality impacts associated with the re-development of the site, concluding that it would not cause a significant impact on local air quality. The report shows that construction works would give rise to a low to medium risk to air quality

through dust impacts, however these could be mitigated through a Dust Management Plan... It also found that additional traffic from the development would not significantly affect local air quality. However, detailed modelling of traffic on Edgware Road indicates that there will be an exceedance of both the short term and long term air quality objective for NO<sub>2</sub>, which would exceed up to second floor level. Mechanical ventilation is therefore recommended to minimise exposure of the future occupants to poor air quality.

9.2.2 Whilst the transport related emissions associated with the proposed development exceed the benchmarked emissions, there will be no building related emissions from the site and therefore overall the development is considered to be air quality neutral.

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

### **9.3 Noise**

9.3.1 London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. An Environmental Noise Assessment has been undertaken and supports the application. This quantifies the existing noise climate in the local area, in order to determine building envelope performance requirements (in view of the proposed uses) and plant noise emission levels. The noise assessment has been assessed by the Councils Environmental Health Team, who considers the methodology to be accurate and that the surveyed range of recorded sound pressure levels provided are considered representative of the local noise climate.

### **9.4 Flood risk and drainage**

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

9.4.2 London plan policy 5.13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. The proposed development includes permeable paving, blue roof and storage tanks to manage this. Due to the measures proposed, the development is not considered to result in any increase in flood risk. The measures adopted would actually result in the reduction of final discharge allowing for additional capacity in the existing drainage system.

### **9.5 Contaminated Land**

13.1 The requirement to deal with contaminated land is set out in London Plan policy 5.21 and reinforced by the NPPF. The site is located on land that has had a previous contaminative land use (garages) and as such there is potential for contamination to be present. However, the previous permission 17/0298 was subject to a pre-commencement condition for a site investigation and remediation strategy, which was formally discharged under planning application 18/4822. The same information has been submitted to support this application and as such the requirements to deal with land contamination have been satisfied.

## **10.0 Conclusion**

10.1 Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy, with minor departures from policy being outweighed by the benefits of the proposal. The proposal makes efficient use of previously developed land in a sustainable location and would make a positive contribution to the locality. This efficient use of the land will result in a substantial number of new homes, helping to meet housing targets, and secures the maximum viable proportion of affordable housing. It is considered that the form of development will have an acceptable impact on and relationship with the existing surrounding development and will not unduly harm surrounding amenity. A well considered landscape strategy is proposed, which combined with the proposed standard of design and layout of buildings will ensure a high standard of development and a good quality residential environment for future occupiers. Officers recommend the application for approval subject to the conditions and s106 obligations set out in this report.

## **CIL DETAILS**

This application is liable to pay **£1,327,873.51** \* 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): 1529 sq. m.

Total amount of floorspace on completion (G): 5449.96 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) Shops             | 450.81                        |                                    | 324.33                            | £40.00                        | £0.00                           | £19,344.21      | £0.00             |
| (Brent) Dwelling houses   | 4999.15                       |                                    | 3596.63                           | £200.00                       | £0.00                           | £1,072,565.22   | £0.00             |
| (Mayoral) Shops           | 450.81                        |                                    | 324.33                            | £0.00                         | £60.00                          | £0.00           | £19,518.49        |
| (Mayoral) Dwelling houses | 4999.15                       |                                    | 3596.63                           | £0.00                         | £60.00                          | £0.00           | £216,445.59       |

|  |                      |                    |
|--|----------------------|--------------------|
| BCIS figure for year in which the charging schedule took effect (Ic)   | 224                  | 333                |
| BCIS figure for year in which the planning permission was granted (Ip) | 334                  |                    |
| <b>TOTAL CHARGEABLE AMOUNT</b>   | <b>£1,091,909.43</b> | <b>£235,964.08</b> |

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

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

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



**Brent**

**DECISION NOTICE – APPROVAL**

Application No: 18/4777

To: Mr Williams  
Lichfields  
14 Regents Wharf  
All Saints Street  
London  
N1 9RL

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

Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 22 x 1 bed, 18 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping

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

at **All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, 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: 17/11/2020

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 proposal complies with the Development Plan, having regard to relevant material considerations.

1 **STANDARD TIME FOR COMMENCEMENT**

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 **APPROVED DRAWINGS AND DOCUMENTS**

The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

DR-17.554-A-200-P6  
DR-17.554-A-201-P6  
DR-17.554-A-202-P5  
DR-17.554-A-203-P5  
DR-17.554-A-204-P6  
DR-17.554-A-205-P7  
DR-17.554-A-206-P8  
DR-17.554-A-301-P7  
DR-17.554-A-302-P6  
DR-17.554-A-303-P3  
DR-17.554-A-304-P5  
DR-17.554-A-305-P8  
DR-17.554-A-306-P6  
DR-17.554-A-307-P4

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

3 **NO PARKING PERMITS**

Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

4 **HOURS OF OPERATION - A5 UNIT**

The A5 premises shall not be used except between the hours of:

Monday - Thursday: 08:00hrs - 23:30hrs

Friday - Saturday: 08:00hrs - midnight

Sunday and Public Holidays: 09:00hrs - 23:30hrs

Reason: to protect the amenity of neighbouring and nearby residential occupiers.

#### 5 HOURS OF OPERATION - A4 UNIT

The public house shall not be used except between the hours of:-

1. 08:00 hours and 23:00 hours Mondays to Fridays
2. 10:00 hours and 00:00 hours Saturdays
3. 10:00 hours and 23:00 hours Sunday and Public Holidays and at no other time.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

#### 6 HOURS OF OPERATION - OUTDOOR SEATING

The outdoor seating area shall not be used except between the hours of :

1. 10:00 hours and 22:00 hours Mondays to Saturdays
2. 10:00 hours and 21:00 hours Sundays and Public Holidays

and at no other time whatsoever.

Reason: To protect acceptable local noise levels and neighbouring amenity

#### 7 ACCESSIBILITY

No less than 10% of the residential units hereby approved shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)), with all other dwellings constructed to meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

#### 8 LAY OUT PARKING AND CYCLE PARKING

Prior to the commencement of the use of any part of the approved Development the following shall be constructed and permanently marked out:-

- the approved number of car parking spaces as shown on the approved plans
- cycle parking numbers as approved
- The private footway and public footway should be demarcated with a row of setts

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose/s.

Reason: To ensure adequate parking and cycle parking provision in accordance with adopted standards.

#### 9 TIMING FOR VEGETATION CLEARANCE

Vegetation clearance of shrubs/trees shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

10 A4 USE CLASS RESTRICTION AND REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO CHANGE USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the public house identified as C1 on approved drawing dr-17.554-A-201 P6 shall be used as a drinking establishment (Use Class A4) only and for no other purpose whatsoever without express planning permission first being obtained from the Local Planning Authority.

Reason: In light of the weight given to the merit of re-providing the public house in accordance with policy DMP 21

11 The windows to units R38 and R26 as indicated on the approved drawings and facing the inner courtyard shall be obscure glazed below a height of 1.7m and shall be retained as such unless otherwise approved in writing by the local planning authority.

Reasons: In order to ensure an adequate degree of privacy for the occupants of this site. In the interests of amenity.

12 The proposed development shall be carried out only in accordance with the submitted Remediation Method Statement (Risk Management dated October 2018). Prior to first residential occupation a verification report shall then 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

13 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

14 Prior to first occupation of the development hereby approved, electric vehicle charging points shall be provided and made available for use within at least 20% of the approved car parking spaces within the site. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

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

- 15 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

## 16 AIR QUALITY - FURTHER DETAILS

Notwithstanding the submitted information, mechanical ventilation shall be installed to all units with windows fronting Edgware Road ( 1<sup>st</sup> to 5<sup>th</sup> floors ). Furthermore, prior to the commencement of above ground works, the following details shall be submitted to and approved in writing by the local planning authority.

- (i) Full specification of the proposed mechanical ventilation systems to be installed
- (ii) An assessment and modelling results for the nitrogen dioxide and particulate emission levels for the 1<sup>st</sup> to 5<sup>th</sup> floor units.
- (iii) Information on the air quality levels from the additional heating systems for the proposed new flats
- (iv) An air quality neutral assessment

The approved details shall be implemented in full prior to first occupation of the residential units and maintained for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and having regard to the fact the site lies in an Air Quality Management Area and has the risk to increase poor air quality.

- 17 All measures outlined in the Arboricultural Impact Assessment by Landmark Trees dated 27 November 2018 shall be implemented and adhered to in full.

Reason: In the interests of tree preservation and the visual amenity of the area.

## 18 MATERIALS - SUPPLY DETAILS

Prior to the commencement of above ground works details of materials for all external work, including manufacturer's literature and physical samples of bricks to be provided on site for inspection, shall be submitted to and approved in writing by the Local Planning Authority 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.

## 19 MECHANICAL PLANT - NOISE TESTING

Prior to the installation of any mechanical plant together with any associated ancillary equipment ('the plant') further details of the plant shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: (i) manufacturer's specifications and literature of the plant; (ii) an assessment of the expected noise levels of the plant carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'; and (iii) any mitigation measures necessary for the plant to achieve noise levels of not louder than 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

The plant shall be installed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To protect acceptable local noise levels, in accordance with DMP1 of the Development Management Policies

## 20 HARD AND SOFT LANDSCAPING INCLUDING TREES

Before any above ground construction work (excluding demolition) is commenced a detailed scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be fully completed prior to occupation of the building(s). Such a scheme shall include, but is not limited to:-

- (a) the means of protection (in accordance with BS5837:2012) of all existing trees on site or in close proximity to the site boundaries and not directly affected by the building works and which are to be retained, including detailed proposed protection measures during any demolition or construction works to include locations of all protective fencing, ground protection, site facilities and storage areas. Where, for construction purposes, it is necessary to position tree protection fencing within the RPA of retained trees, suitable ground protection will be installed to prevent undue soil/root compaction from pedestrian and/or vehicular traffic. Such works are to be carried out fully in accordance with Landmark Trees dated 27th November 2018 unless otherwise approved in writing.
- (b) Details of proposed walls, fencing and other means of enclosure indicating materials and heights;
- (c) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,
- (d) Details of adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (e) Details of any balustrade/balcony treatment
- (f) Details of areas of hard landscape works and proposed materials, including details of a robust and durable choice of material for the parking area and loading bays;
- (g) Details of the proposed arrangements for the maintenance of the landscape works.
- (h) Details for the provision for outside seating / benches and children's play equipment
- (i) Details for the provision of on site bird and bat boxes
- (j) Details of demarcation of the private and public footway

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

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and, ensure that it enhances the visual amenity of the area and to protect trees in the immediate environment and to retain a mature tree cover around the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

## 21 WATER USAGE

Prior to first occupation of the Residential Development ('the Development') confirmation from the Building Control body to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, 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 (as amended) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and conserve water supplies and resources in order to secure London's needs in a sustainable manner.

## 22 CONSTRUCTION - CEMP

The development shall be carried out in accordance with the submitted Construction Environmental Management Plan prepared by Goddard and Sons dated May 2019 ( Rev 04)

Reason: To ensure the protection of living conditions, highway safety and managing waste throughout development works due to the particular risk of harm arising from these works in respect of air quality and highway safety.

## 23 DELIVERY AND SERVICING PLAN

Prior to first occupation of any building(s) details of a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full for the lifetime of the development.

Reason: To minimise the impacts of the development on the highway.

## 24 Prior to the occupation of the residential units hereby approved, a drawing indicating the location of privacy screens where private terraces and/or communal terraces adjoin, at a height no less than 1.7m, shall be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure an adequate standard of privacy for future occupants of the site. In the interests of amenity.

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 3 A Groundwater Risk Management Permit from Thomas Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the development to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
- 4 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.



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

26 November, 2020  
07  
20/0174

## SITE INFORMATION

|   |   |
|---|---|
| RECEIVED  | 20 January, 2020  |
| WARD  | Mapesbury   |
| PLANNING AREA   |   |
| LOCATION  | 90 Anson Road, London, NW2 6AG  |
| PROPOSAL  | Conversion of dwellinghouse into 3 self-contained flats and works to include a gable end roof extension, rear dormer window and 2 front rooflights to convert loft, a single storey side and rear extensions, demolition of outbuilding to rear and creation of parking space with new vehicular access, associated landscaping, new boundary wall, provision for refuse and bicycle storage and removal of existing vehicular access   |
| PLAN NO'S   | See condition 2   |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case<br/> <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_148569">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_148569</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "20/0174" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol> |

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission and 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 3 Years
2. Approved Plans
3. Materials to Match the Existing Building
4. Cycle and Refuse Storage details to be agreed
5. Landscaping details to be agreed
6. No Conversion to HMO
7. Public Footway and Traffic Management Order Alterations
8. Sustainable Drainage
9. Any other planning conditions considered necessary by the Head of Planning

### Informatives

1. CIL
2. Party Wall
3. Building Near Boundary
4. Public Footway and Traffic Management Order Alterations
5. Any other informatives considered necessary by the Head of Planning

And 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 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

|   |   |
|---|---|
|  | <b>Planning Committee Map</b><br>Site address: 90 Anson Road, London, NW2 6AG<br>© Crown copyright and database rights 2011 Ordnance Survey 100025260 |
|---|---|



This map is indicative only.

## **PROPOSAL IN DETAIL**

The proposal involves the erection of a single storey side extension, single storey rear extension and rear dormer roof extension in order to facilitate the conversion of the property into three self-contained flats.

This would also involve the demolition of the existing outbuilding to the rear of the garden and installation of bin and refuse storage units within the front and rear gardens.

A new on-site parking space is proposed to the rear of the garden and would be accessed by a new vehicular crossover along Blackstone Road.

## **EXISTING**

The subject property is two-storey dwellinghouse situated on the corner of Anson Road and Blackstone Road. It is not located within a conservation area, nor is it a listed building.

## **AMENDMENTS SINCE SUBMISSION**

The following amendments have been made to the proposal since submission:

- Reduction in width of rear dormer extension from 7.5m to 3.9m.
- Cycle and bin storage has been relocated to the front garden.

## **SUMMARY OF KEY ISSUES**

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

- Representations received: 10 objections have been received. Officers have assessed the objections raised and consider that the development proposal is acceptable and in material accordance with policies set out in the development plan.
- Principle of conversion: The conversion of properties of a sufficient size to provide further housing is supported in principle. Subject to the retention of family sized units and the resultant properties being of an acceptable quality.
- Character and Appearance: The proposed development would largely retain the appearance of the building from the surrounding public vantage points. The extensions proposed would be of an acceptable scale and design and not have an adverse impact on the character and context of the site.
- Impact on Living Conditions of Neighbours: Although the proposed extensions would be visible from the neighbouring properties they would not have a significant adverse impact on the amenity of the neighbouring occupiers. Reasonable use of the proposed properties would ensure that the overall living conditions of the neighbours would not be significantly affected.
- Transport and Movement: The proposal would not result in any significant increase in parking space and conveniently sited sufficient bin and cycle storage has been proposed.

## **RELEVANT SITE HISTORY**

No planning history related to this site.

## **CONSULTATIONS**

### External

11 properties along Anson Road and Blackstone Road were notified of the proposal on 21/01/2020.

The NorthWestTWO Residents' Association and Watling Garden Tenants Management Organisation were also consulted.

10 responses have been received. The grounds for objection have been summarised below:

| <b>Objection</b>  | <b>Officer response</b>   |
|---|---|
| The proposal would increase traffic in the local area and increase parking pressure on adjacent roads, namely, Anson Road and Blackstone Road.  | The Council's Transport department have been consulted on the proposal. The comments have been incorporated into the assessment below under ' <i>Parking and Refuse</i> '.<br><br>The proposal includes secure cycle storage to promote car-free travel.  |
| There is the likely domino effect of further higher storey buildings, changing the character of the neighbourhood.<br><br>The design is another concern, the roof extension has shown no sympathy to the area by creating a gabled end roof extension with a large window.<br><br>Converting the property to flats would alter the character of the area. | The height of the property would not be increased.<br><br>The proposal has also been amended in order to reduce the width of the rear dormer roof extension.<br><br>The conversion of the internal layout of the property would have no impact on the external appearance and character of the street.<br><br>A full assessment of the visual impact of the development is set out below within the 'Character and Appearance' section of the assessment. |
| The proposal would result in a loss of light for the adjoining property.  | See 'Impact on Neighbouring Amenity' section below.   |
| The proposal would allow for overlooking of the neighbouring property resulting in a loss of privacy.   | See 'Impact on Neighbouring Amenity' section below.   |
| Possible increase in noise pollution due to more families living in a more confined space.  | See 'Impact on Neighbouring Amenity' section below.   |
| The proposal would result in a loss of green space adding additional strain on existing drainage system.<br><br>Essentially the removal of the garden for a parking space and cycle and bin storage.  | The rear garden would retain the majority of its soft landscaping as the proposed extension would be built above existing hardstanding, while the rear car parking space would replace the existing outbuilding.  |
| Previous proposals for conversions of properties along Anson Road to flats have been refused.   | Each application is based on its own merits.  |
| The proposal suggests converting this dwelling into three flats. This is not in keeping with what has been previously done with these homes which is a 2 flat conversion or maintain as a family home. There is a large demand for family homes at present in our area.   | The proposal before us is for the conversion to three flats and it will be assessed against relevant policies and guidance.<br><br>The proposal retains a family sized unit (3-bed) across the ground floor.  |
| A point has been raised regarding the structural implications of the removal of the rear outbuilding on the neighbouring property.  | Structural issues are considered under different legislation (e.g. Building Regulations, Party Wall Act). It is not considered a material planning consideration and has therefore not been assessed within this application.   |

### Internal

The Council's Transport department were consulted on the proposal and made the following recommendations:

*Transport will raise no objection to the proposal subject to the following:*

- i) The existing vehicle crossover to be reinstated to footway and a new crossover constructed at the developers expense, along with associated amendments to on-street parking bays;*
- ii) The proposed cycle parking to be relocated from the furthest point possible from the main entrance to the forecourt.*

Their comments have been incorporated into the main assessment below.

## **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 policies include**

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

3.3: Increasing Housing Supply  
3.5: Quality and Design of Housing Developments  
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  
Table 6.3: Cycle parking requirements.

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

CP1: Spatial Development Strategy  
CP5: Placemaking  
CP6: Design & Density in Place Shaping  
CP17: Preserving the Suburban Quality of Brent  
CP 21: A Balanced Housing Stock

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

DMP1: Development Management General Policy  
DMP12: Parking  
DMP17: Conversion of Family Sized Dwellings  
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. 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  
H1 - Increasing Housing Supply  
D2 Delivering Good Design  
D3 Inclusive Design  
D4 - Housing quality and standards  
D6 - Optimising housing density

G1 Green Infrastructure  
 T4 Assessing and Mitigating Transport Impacts  
 T5 Cycling  
 T6 Car Parking  
 T7 Deliveries, servicing and construction

D2 - Delivering good design  
 T5 – Cycling

Draft Brent Local Plan

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

Key relevant policies from these documents include:

BD1 – Leading the Way in Good Urban Design  
 BH1 – Increasing Housing Supply in Brent  
 BH13 – Residential Amenity Space  
 BT1 – Sustainable Travel Choice  
 BT2 – Parking & Car Free Development  
 BSUI4: On Site Water Management and Surface Water Attenuation

**Other Guidance**

Policy 6.9- Cycling,  
 London Cycle Technical Standards (GLA, 2014)  
 SPD2: Residential Extensions and Alterations

**DETAILED CONSIDERATIONS**

**1. Standard of Accommodation**

1.1 DMP17 states that in order to maintain family size housing, the conversion of a family sized home (3 bedrooms or more) to two or more other dwellings will only be allowed where the existing home is 130sq.m or more and it results in at least a 3-bedroom dwelling, preferably with direct access to a garden.

1.2 The existing property, even prior to the construction of extensions, is 165sq.m, and therefore meets the minimum size requirement for conversion. The proposal also retains a 3-bedroom dwelling which is situated on ground and has direct access to the rear garden. The proposal therefore complies with DMP17.

1.3 DMP18 requires the size of dwellings to be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. The minimum requirements and the proposed internal floor areas are set out in the table below:

| Unit no. | Unit type | Required GIA (sq.m) | Proposed GIA (sq.m) |
|----------|-----------|---------------------|---------------------|
| 1        | 3b 6p     | 95                  | 103                 |
| 2        | 2b 4p     | 70                  | 69                  |
| 3        | 1b 1p     | 39                  | 47                  |

1.5 The proposed GIA meets or exceeds the minimum space standards for all three flats.

1.6 Unit 1 exceeds the minimum internal floor area requirement by 8sqm. Given the number, size and

position of the existing and proposed windows across the front, side and rear elevations, all rooms would be afforded a good levels of light, outlook and ventilation.

1.7 Unit 2 falls just short of the minimum floor area requirement by 1sqm. The unit comprises an open-plan lounge and kitchen, family bathroom and two double bedrooms, one with an en-suite shower room. All rooms are generously sized and would be afforded good levels of outlook, daylight/sunlight and ventilation. Despite the shortfall, this unit is still considered to provide a good standard of accommodation for future occupants.

1.8 Unit 3 is a generously sized studio, which exceeds the minimum floor area requirement by 8sqm. Again, due to the layout, future occupants would benefit from good outlook, daylight/sunlight levels and ventilation.

1.9 All units are considered to have appropriate internal layouts and storage areas.

1.10 Overall, the proposed units are considered to provide a good standard of accommodation for future occupants and are therefore compliant with DMP18.

1.11 DMP19 requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sq.m per flat and 50sqm for family housing (including ground floor flats). The ground floor family sized unit would benefit from a large rear garden (approx. 170m<sup>2</sup>), significantly exceeding the requirement of DMP19. Although only accessed through bedrooms rather than a shared room, the garden space would provide a very useable area appropriate for families. Units 2 and 3 would not benefit from any private outdoor amenity space, although it is noted that as this is a conversion rather than a new build and due to the physical constraints of the site, it is not possible to provide the required amenity space.

1.12 It is noted that Gladstone Park is situated approximately 650m from the site. Although not considered within a very close walking distance it would provide future occupants of the upper floor units with a good quality external amenity option. When combined with the quality of these units being good and over the minimum space requirements the proposal would provide acceptable accommodation for all of the properties.

1.13 The proposal would not comply with policy DMP19, however, in this case, the shortfall can be considered acceptable. Therefore, the proposed standard of accommodation is considered acceptable.

## **2. Impact on Amenity of Neighbouring Dwellings**

2.1 The proposed single storey rear extension would extend 3m from the rear elevation and follow the existing stepped rear building line. It would have a flat roof height of 3m. It would extend 3m beyond the rear elevation of the adjoining property (No.92 Anson Road). The neighbouring property is on the same ground level as the subject property and has a matching rear fenestration. This element is SPD2 compliant and due to its size and siting is not considered to have an adverse impact on the residential amenity of this neighbour.

2.2 The rear dormer roof extension would incorporate a set of French doors, full height windows and a Juliet balcony, introducing new views at second floor level. It is accepted that this would allow for overlooking of the neighbouring rear garden (No.92), however this is not considered a significant increase above views already afforded by first floor rear windows.

2.3 It should be noted that rear dormer roof extensions with Juliet balconies are a common development extension type within the borough and some overlooking is to be expected within residential areas of this kind.

2.4 The single storey rear extension and rear dormer roof extension are not considered to adversely impact the residential amenity of any other adjoining or nearby properties, due to the size, design and siting of these in relation to these properties.

2.5 It is proposed to erect a single storey side infill extension. Due to its siting along the western boundary, it is not considered to impact the residential amenity of any neighbouring properties.

2.6 The proposal would result in an increase in occupants within the property. Based on the reasonable use of the proposed flats, this is not considered to adversely impact the amenity of adjoining and nearby properties. The rear garden is allocated to only one unit and is therefore not materially different to the existing

situation.

2.7 Overall, the proposal is considered to have an acceptable impact on the residential amenity of neighbouring properties.

### **3. Character and Appearance**

3.1 The proposed single storey rear extension would extend 3.0m rearwards and follow the existing stepped building line to the rear of the host building. It would have a flat roof height of 3.0m. Given its proposed scale and design, it is considered to be in keeping with the character of the main building and not envisaged to appear out of place within the surrounding context.

3.2 SPD2 states that rear dormer windows can extend the full width of the original rear roof plane. They should be set up from the eaves by a minimum of 0.5m and set down from the ridge by a minimum of 0.3m. The dormer face should be primarily glazed to allow maximum light into the internal area. The proposed dormer is considered to be in compliance with SPD2 guidance and as such is considered to have an acceptable impact on the character and appearance of the host building and surrounding area.

3.3 SPD2 states that single storey side extensions should be modest and complement your house. The size, shape and height should be subservient to the main building. Side extensions should be no wider than two thirds the width of the original house, with a maximum width of 4m.

3.4 The side extension has a width of 1.55m, an eaves height of 2.6m, maximum height of 3.3m and a depth of 6.85m. In relation to the main building, this is considered to appear subservient. The pitched roof is an appropriate design while the window and rooflights are considered acceptable in this location.

3.5 It further states that on corner plots with an open character, a distance of 2.0m should be retained between the extension and the boundary. The property is situated on the corner of Anson Road and Blackstone Road, however it is not identified as having an open character. Building up to the boundary is therefore considered acceptable.

3.6 Cycle storage containers are proposed to the front of the plot. These would largely be screened by the front boundary wall and would not appear overly prominent from surrounding vantage points. With appropriate planting required to be agreed by condition the frontage of the property would retain an appropriate appearance and would not appear out of place when viewed from the surrounding vantage points.

3.7 The proposal is considered to be in keeping with the character and appearance of the original property and surrounding area.

### **4. Parking and Refuse**

4.1 Car parking allowances for residential use are set out in Appendix 1 of the adopted Development Management Policies 2016 and standards for new driveways and crossovers are set out in Brent's Crossover Policy.

4.2 As the property has good access to public transport services, the lower residential parking allowances as set out in Appendix 1 apply. The existing house has a maximum car parking allowance of 1.2 spaces, whilst the proposal would have a maximum car parking allowance of 2.7 spaces, which is a significant increase. One car parking space is proposed by relocating the existing vehicle crossover from the southern end of the rear garden to the northern end; both of which front Blackstone Road.

4.3 Although the full parking allowance would not be catered for within the site, the bays along Blackstone Road are lightly enough used to cater for parking demand from these flats. Therefore the parking space to the rear of the plot is not necessary to accommodate the demand that would be generated by the proposed properties. It has also been noted that this spaces would be away from the main entrance to properties at the rear of the garden. When considering the better location of the cycle parking being convenient and the parking provision being within the maximum allowances of the Parking Standards, this arrangement would be acceptable on balance.

4.4 As it has been proposed the existing crossover will need to be removed and reinstated to footway and a new crossover created, along with associated amendments to the parking bays, all at the applicant's

expense. This will be secured by a condition should the application be approved.

4.5 The minimum cycle parking requirement in accordance with the draft London Plan is 5.5 spaces. The proposal include 6 spaces within the front garden which would be close to the main entrance and conveniently located for the future residents.

4.6 A bin storage area is proposed within the front garden. There is considered to be sufficient space for the relevant number of bins to be stored within this area.

4.7 The front garden is of a sufficient size to accommodate the secure cycle spaces and bin storage. The exact details of these units will be secured by condition, restricting the occupancy of the development until a satisfactory details are provided.

## 5. Surface Water Drainage

5.1 The site lies within flood zone 1 for fluvial flooding and flood zone 3 for surface water flooding can Critical Drainage Area. DMP9a states that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water.

5.2 Notwithstanding the ground floor side and rear extensions, the site would retain a large front and rear garden, of which approximately 200sqm is soft landscaping which will continue to provide natural drainage.

5.3 A flood risk assessment has been submitted and proposes the implementation of permeable paving and holding tanks as attenuation. The attenuation equates to an extremely low discharge rate all below 1/l/s from 1/10 to a 1/100 year storm event. The site will offer a small improvement to the overall flood risk due to the reduced discharge, which is considered to be acceptable and meets the requirements of Policy DMP9a.

## 6. Public Sector Equality Duty

6.1 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).

## 7. Conclusion

7.1 The proposal is not considered to be in complete compliance with related policies, namely the lack of amenity space for upper floor flats. However, on balance, the overall benefit of creating an additional two dwellings within the borough, with all three flats generally providing a good standard of accommodation, the extensions and conversion of the property is considered to represent an acceptable proposal. The proposal is therefore recommended for approval.

## CIL DETAILS

This application is liable to pay **£27,653.71** \* 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): 242.42 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 | 242.42                        | 165.26                             | 77.16                             | £200.00                       | £0.00                           | £23,010.21      | £0.00             |

|                                 |        |        |       |       |        |       |           |
|---------------------------------|--------|--------|-------|-------|--------|-------|-----------|
| (Mayoral)<br>Dwelling<br>houses | 242.42 | 165.26 | 77.16 | £0.00 | £60.00 | £0.00 | £4,643.50 |
|---------------------------------|--------|--------|-------|-------|--------|-------|-----------|

|  |            |           |
|--|------------|-----------|
| BCIS figure for year in which the charging schedule took effect (Ic)   | 224        | 333       |
| BCIS figure for year in which the planning permission was granted (Ip) | 334        |           |
| <b>TOTAL CHARGEABLE AMOUNT</b>   | £23,010.21 | £4,643.50 |

\*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: 20/0174

To: Peddar  
22redfern road  
london  
nw10 9lb

I refer to your application dated **20/01/2020** proposing the following:

Conversion of dwellinghouse into 3 self-contained flats and works to include a gable end roof extension, rear dormer window and 2 front rooflights to convert loft, a single storey side and rear extensions, demolition of outbuilding to rear and creation of parking space with new vehicular access, associated landscaping, new boundary wall, provision for refuse and bicycle storage and removal of existing vehicular access

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

at **90 Anson Road, London, NW2 6AG**

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: 17/11/2020

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  
The London Plan  
Brent Development Management Policies  
Council's Supplementary Planning Document 2 – Residential Extensions and Alterations

Relevant policies in the Adopted Development Management Policies are:

DMP1: Development Management General Policy  
DMP12: Parking  
DMP17: Conversion of Family Sized Dwellings  
DMP18: Dwelling Size and Residential Outbuildings  
DMP19: Residential Amenity Space

- 1 The development permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To help reduce surface water run-off and the potential for flooding.

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

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

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

200113/01  
200113/02 REV.A  
200113/03  
200113/04  
200113/05  
200113/06  
200113/07  
200113/08  
200113/09 REV.A  
200113/10 REV.A  
200113/11 REV.A  
200113/12  
200113/13 REV.A  
200113/14 REV.A  
200113/15 REV.A  
200113/16  
Supporting Document - Flood Risk Assessment [produced by Create Consulting Engineers Ltd. dated 2nd November 2020] Ref.SG/CS/P20-2137/01

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

- 4 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- 5 Prior to the occupation of the flats, the secure cycle parking spaces (a minimum of 5 cycle spaces) and bin storage, as shown on drawing number 200113/14 Rev.A, shall provided in accordance with the details hereby approved, and these facilities shall be retained and maintained for the lifetime of the development.

Reason: To ensure satisfactory facilities for cyclists and containment of waste.

- 6 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 in the front garden to accommodate additional bin or cycle storage.

- 7 The development hereby permitted shall not be occupied until the following highways works have been carried out at the developers expense;
  - (i) the reinstatement of the existing crossover back to footway and the provision of new on street car parking bays
  - (ii) with all associated changes to line marking and associated Traffic Regulation Order costs.

The development shall not be occupied until all associated highway works have been completed to the satisfaction of the Local Highway Authority.

Reason: To ensure the safety and free flow of the surrounding highway network.

- 8 Prior to first occupation of the flats hereby approved, further details of landscaping to the front garden area shall be submitted to and approved in writing by the Local Planning Authority, the approved details shall then be implemented prior to first occupation. Such details shall include:
  - details of hardstanding materials for patios, pathways and driveways
  - details of the boundary fences/walls including materials and height
  - details of soft landscaping, including species.

Reason: To ensure the proposed development enhances the visual amenity of the area.

## INFORMATIVES

- 1 The applicant is advised to contact the Head of Highways & Infrastructure to arrange for the reinstatement of the crossover and extension of on-street parking bays.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

Any person wishing to inspect the above papers should contact Sukhjeevan Bains, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5223