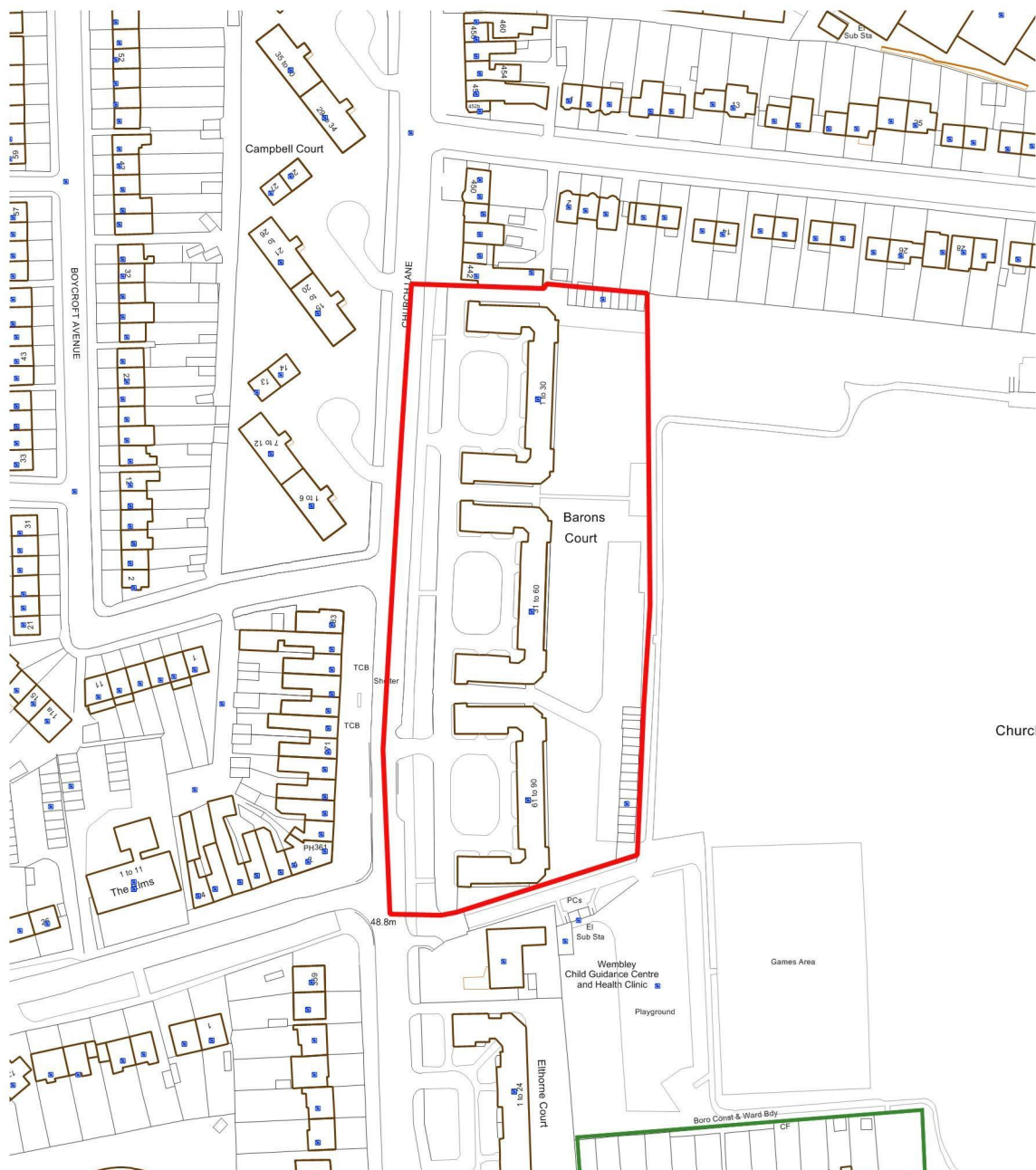




### Planning Committee Map

Site address: 1-90 INC, BARONS COURT, Church Lane, London, NW9 8AD

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This map is indicative only.

**RECEIVED:** 23 August, 2013

**WARD:** Fryent

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 1-90 INC, BARONS COURT, Church Lane, London, NW9 8AD

**PROPOSAL:** Erection of 1 additional floor to each of the existing three storey residential blocks at 1-90 Barons Court to create 26 additional residential units (10 x one-bed, 8 x two-bed, 8 x three-bed), 34 additional car parking spaces and associated landscaping

**APPLICANT:** Brickfield Properties Ltd

**CONTACT:** Jones Lang LaSalle

**PLAN NO'S:**  
See Condition 2.

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report , or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

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

- Payment of the Council's legal and other professional costs in (1) preparing and completing the agreement and (2) monitoring and enforcing its performance
- Affordable Housing Contribution:

(a) Following an independent review of the submitted Financial Viability Assessment, an appropriate commuted sum to be agreed towards offsite affordable housing provision to be delivered elsewhere in the borough and paid within an agreed timeframe. If an appropriate sum is not agreed, clause (b) applies as follows:

(b) Prior to occupation of the development, a Financial Viability Assessment shall be submitted on an open book basis, with appropriate evidence of actual build costs, payments and sales values, including certified build cost tender returns and RICS valuations and the provision of a commuted sum, as appropriate, determined through the assessment for offsite affordable housing provision to be delivered elsewhere in the borough and paid within an agreed timeframe.

- Sustainability - Submission and compliance with the council Sustainability Checklist ensuring a minimum of 50% score is achieved. Compliance with Code for Sustainable Homes Code Level 3, carbon reduction of 25% improvement on 2010 Building Regulation and adherence to the Demolition Protocol (with compensation should it not be delivered
- Join and adhere to the Considerate Contractors Scheme

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

## **EXISTING**

The existing 1.075 hectare site is located on Church Lane, NW9, and comprises 3 x 3 storey U-shaped residential blocks of flats containing 90 existing residential units (54 x 2 bedroom units and 36 x 3 bedroom units). The residential blocks are sited within landscaped grounds providing 4,230sqm amenity space, off-street parking, redundant pram stores and bin stores to the rear of the site. The 3 blocks are served by two access points at either end of the frontage onto Church Lane. .

The U-shaped blocks lie in a north-to-south chain, and the site contains considerable mature landscaping including trees to the front and rear with hedges between the eastern boundary of the site and Church Lane. The northern-most block, is located 5m from the northern boundary; the neighbouring property (no. 442) is single storey. Adjoining that is a two storey terraced building comprising a shop with residential accommodation above. Beyond this to the north east lies the rear gardens and rear elevations of 2-10 Burgess Avenue.

The eastern boundary adjoins Kingsbury Green public open space (defined as such with the UDP) and the southern boundary abuts a wide access path to this open space, with the two-storey Pupil Referral Unit (PRU) beyond.

The site is located on a London Distributor Road with access to three bus routes. It lies within a Controlled Parking Zone and has a low public transport accessibility level (PTAL Level 2).

## **PROPOSAL**

The application is for the erection of 1 additional floor to each of the existing three storey residential blocks at 1-90 Barons Court to create 26 additional residential units (10 x one-bed, 8 x two-bed, 8 x three-bed), 34 additional car parking spaces and associated landscaping.

## **HISTORY**

**96/0831** - Replacement UPVC windows – Granted, 13/08/1996

**10162F 9119** - Erection of garages, pram store and access road – Granted, 17/05/1962

## **POLICY CONSIDERATIONS**

### **National policy considerations**

The NPPF, adopted in March 2012, sets out a “presumption in favour of sustainable development ” including the economic, social and environmental impacts of new development.

The relevant objectives within the NPPF are to:

Promote high quality design

Deliver a wide choice of quality homes

Protect and deliver social, recreational and cultural facilities and services

Promote sustainable travel

Ensuring inappropriate development in areas at risk of flooding are avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere

### **Regional policy considerations**

The London Plan, adopted 2011, is legally part of the development plan for the 33 London boroughs of Greater London; their local development documents are required to be in general conformity with it, including any Supplementary Planning Guidance.

Relevant policies include:

#### *Social Infrastructure*

#### **3.16 Protection and Enhancement of Social Infrastructure**

#### *London's Response to Climate Change*

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage

#### *London's Transport*

- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight

#### *London's living places and spaces*

- 3.11 Affordable Housing Targets
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

#### *London Plan SPG*

The Mayor's Transport Strategy (May 2010)  
 Sustainable Design and Construction – Supplementary Planning Guidance (2006)  
 Accessible London: achieving an inclusive environment (April 2004)  
 Planning for Equality and Diversity in London (October 2007)  
 The Mayor's Housing Design Guide (November 2012)

Relevant Supplementary Planning Guidance

#### ***Local policy considerations***

The local development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010.

Further details of these policies are considered below.

#### *Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

##### CP 1 Spatial development strategy

This sets out the spatial strategy, outlining where growth is to be focused.

##### CP2 Population and Housing Growth

Sets out the mix and level of affordable housing for the borough as well as the overall housing target.

##### CP 5 Place making

Sets out requirements for place making when major development schemes are considered

CP 6 Design & density in place shaping

Sets out the requirements for appropriate design and density levels for development

CP 15 Infrastructure to support development

Requires that the infrastructure requirements of new development are met

CP18 Protection and enhancement of Open Space, Sports & Biodiversity

Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created

CP 19 Brent strategic climate mitigation and adaptation measures

Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

#### *Brent Unitary Development Plan 2004*

##### *Strategic*

STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 Reduces the need to travel, especially by car.

STR6 Parking controls

STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 Environmentally sensitive forms of development will be sought

STR14 New development should make a positive contribution to improving the quality of the urban environment

STR15 Major development should enhance the public realm

##### *Built Environment*

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE12 Sustainable Design Principles

BE19 Telecommunications

##### *Transport*

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.

TRN4 Measures to make transport impact acceptable

TRN10 Walkable environments

TRN11 The London cycle network, schemes should comply with PS16

TRN12 Road safety and traffic management

TRN13 Traffic calming

TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

TRN16 The London Road Network

TRN20 London Distributor Roads

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN23 Parking Standards – Residential Developments

TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway

TRN35 On transport access for disabled people and people with mobility difficulties states that development

should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

PS12 Car parking standards – Class D1

PS15 Parking standards for disabled people

PS16 Cycle parking standards

#### *Housing*

H13 Residential Density

H22 Protection of residential amenity

#### *Environmental Protection*

EP2 Noise and Vibration

EP3 Local Air Quality Management

#### *Brent Supplementary Planning Guidance*

SPG 17 “Design Guide for New Development” Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough.

The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

## **CONSULTATION**

### **Public Consultation**

The application has been subject to widespread public consultation.

The Council consulted within a radius of 100sqm of the site and as such 315 adjoining neighbours and those residents of Baron's Court were consulted by letter on 20/09/2013 and 31/10/2013. A Site Notice was placed outside the site on 08/10/2013, and a Press Notice was placed in the local paper on 19/09/2013.

Six objections have been received on the following grounds:

Resident Comment	Officer's response to objection
The building is too old and the foundations are unsound for an extra floor and there are already issues of damp	See main report paragraphs 21 to 25
The development will reduce daylight and sunlight to habitable rooms	See main report paragraphs 4 to 25
The development would reduce the value of the flat	This is not a material planning consideration.
The development would result in an overdevelopment of the area	See main report paragraphs 4 to 25
The building would be too high	See main report paragraphs 4 to 8
Increase in pressure on on-street parking. The increase in proposed parking is not enough to meet demand.	See main report paragraphs 26 to 38
Local infrastructure will not support the increased traffic and population.	See main report paragraphs 26 to 38
A 4th floor will set a precedent in the area for other blocks of flats to be raised causing overdevelopment.	See main report paragraphs 4 to 8
The construction of the development will cause issues of noise and disturbance to	See main report paragraphs 21 to 25

## **Statutory Consultees**

### The Environment Agency

No objections subject to the inclusion of a condition relation to surface water drainage system required to be submitted prior to commencement that is in line with the Flood Risk Assessment.

### **Internal Consultees**

#### Environmental Health

No objection subject to conditions being included as part of the permission in relation to noise and air quality.

#### Landscape

No objections subject to full hard landscaping details being provided for all surfaces secured via condition.

#### Tree Officer

No objection subject to works being carried out in accordance with relevant tree surveys.

#### Transportation

No objection subject to further details being provided on refuse collection points in consideration that the northern vehicular access does not allow for adequate turning points for refuse vehicles.

#### Streetcare

No objections subject to provision of street side collection point for refuse collection.

#### Design

No objection raised subject to submission of materials for main building provided that appropriately match the existing building.

## **REMARKS**

### **1. Main Considerations**

2. It is considered that the main planning consideration in relation to the determination of the application are:-

- Density, design, scale and massing;
- Proposed residential mix and tenure;
- Quality of residential accommodation and amenity for future occupiers;
- Impact on the amenities of existing adjoining residents, including development process;
- Vehicular and cycle parking standards;
- Vehicular, emergency and refuse access;
- Sustainability and renewable energy;
- Trees and landscaping;
- Flood risk;
- Community Infrastructure Levy and Legal Agreement.

3. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

### **4. Density, design, scale and massing**

5. The proposed development will provide an additional 102 habitable rooms thus the density of the development would be just over 380 hrh/ha when taking into account the existing number of habitable rooms. The site is considered to be located in an urban location with low access to public transport (PTAL 2); it thus

meets the density guidance within the London Plan, which is 150-450hrh for such a location.

6. With regard to scale and massing, guidance contained in SPG17 states that in general the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of the adjoining existing property measured from a height of 2m which in this case are Nos. 2 and 4 Burgess Avenue at a distance of over 25m away, and thus this general requirement is comfortably complied with. It is also set out in SPG17 that where proposed development adjoins private amenity/garden areas, the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The additional floor will add an overall maximum height of 4.2m to the existing building thus allowing for an overall maximum height of 12.95m to each block. The nearest existing gardens, also to Nos. 2 and 4 Burgess Avenue, are just over 10m away from the corner of the northern-most block 1 and the development complies with this guidance.

7. It is noted that there are no residential properties to the east, and in consideration of the set back from the road of over 10m with residential and mixed uses the other side of Church Lane, the proposed extension will not have any significant impact on properties to the west in terms of scale and massing. To the south, the nearest habitable rooms and gardens are over 35m away and thus the proposed density, scale and massing is acceptable and meets SPG17. Whilst it is noted these SPG17 guidance lines are not met in terms of the relationship in between the 3 x U-shaped blocks, given that the extension is sited atop an existing building with the same internal relationship, an additional floor is considered acceptable.

8. The application proposes an additional floor on each of the existing blocks and the design, fenestration and materials of the existing building will be replicated. The applicant proposes a sympathetically designed extension which follows closely the attractive aesthetic of the original building. Whilst in some cases a set back for the additional storey is requested to provide subservience, in this case it is considered that the resultant buildings at 4 storeys will sit comfortably in the street scene and a successful development will be achieved without requiring a set back.

## **9. Proposed residential mix and tenure**

10. The proposed development seeks to provide 10 x one-bed, 8 x two-bed, 8 x three-bed units for private rent and/ or sale. The residential mix thus fully complies with Brent's Core Strategy policy CP2 to provide a minimum of 25% family housing.

11. Affordable housing is expected to be provided for developments over 10 units. No affordable housing is proposed and the justification for this is that the development would not otherwise be viable. This justification has been supported by a submitted Affordable Housing Viability Assessment.

12. It is generally acknowledged that a minimum profit margin of 20% is required to enable to procure finance for residential development, and whilst the council's policy position in relation to affordable housing provision is to seek 50%, this is dependent on viability and is sought borough wide and is applied to specific development only where viability allows.

13. The Affordable Housing Viability Assessment submitted with the planning application proposes zero affordable housing.

14. The Council has appointed external consultants to assess the viability of the scheme to ascertain whether some affordable housing may be deliverable through a S106 commuted sum to the Council. It is noted that the build costs for the proposed development appear to be fairly high, and the consultants have been requested to report on the accuracy of the build costs and independently assess the overall viability of the scheme. As such, it is intended to secure the following through the S106 agreement:

(a) Following an independent review of the submitted Financial Viability Assessment, an appropriate commuted sum to be agreed towards offsite affordable housing provision to be delivered elsewhere in the borough and paid within an agreed timeframe. If an appropriate sum is not agreed, clause (b) applies as follows:

(b) Prior to occupation of the development, a Financial Viability Assessment shall be submitted on an open book basis, with appropriate evidence of actual build costs, payments and sales values, including certified build cost tender returns and RICS valuations and the provision of a commuted sum, as appropriate, determined through the assessment for offsite affordable housing provision to be delivered elsewhere in the borough and paid within an agreed timeframe.



## 15. Quality of residential accommodation and amenity for future occupiers

16. The proposed residential accommodation will be provided in the form of 26 self-contained flats, 8 flats above Blocks 1 and 2 and 10 flats above Block 3. The existing stair core locations will be used for access and existing external fire escape extended to the upper floor.

17. All of the proposed units will meet London Plan floorspace standards. Whilst it is noted that there will be habitable rooms facing each other within the development at 6m separation, it is noted that as this relationship already exists within the current flats. All units have dual aspect and receive generally good light and outlook.

18. The schedule of accommodation and proposed units are outlined below:

Unit Type	N o units	Total unit Size/ London Plan m i n i m u m requirement (sqm)	Amenity Space/ Minimum SPG17 requirement (sqm)
1 bed 2person 50sqm	6	50 (50)	20sqm
1bed 2person 53sqm	2	53 (50)	20sqm
1bed 2person 54sqm	1	54 (50)	20sqm
1bed 2person 55sqm	1	55 (50)	20sqm
2bed 3person 61sqm	2	61 (61)	20sqm
2bed 3person 62sqm	2	62 (61)	20sqm
2bed 3person 63sqm	2	63 (61)	20sqm
2bed 3person 71sqm	2	71 (61)	20sqm
3bed 5person 88sqm	4	88 (86)	50sqm
3bed 5person 92sqm	4	92 (86)	50sqm

19. The existing typical floorplan layouts for each block provided by the applicant shows that as existing the site contains 84 flats, 27 of which are family units. The existing amenity space requirement is thus 2,570sqm, and when considering the proposed units the total amount of required amenity space is 3,294 sqm. The existing site has 4,230sqm of amenity space however this will be reduced to accommodate additional parking and servicing.

20. Notwithstanding this, is noted that the development still meets the requirements of SPG17 for the amount of amenity space to be provided per unit, delivering a total amenity space of 4,060sqm, and is acceptable.

## 21. Impact on adjoining residential amenity including development process

22. The development follows the same footprint of the existing three U-shaped blocks with an additional 4th floor. In consideration that the development does not further encroach towards any existing residential development outside the site, and given that any directly facing habitable rooms outside of the site are more than 25m away, the development is considered to have an acceptable impact on amenity on those residential properties outside the site.

23. Turning to the impact of the residential amenities of the existing residents of Baron's Court, it is noted that the U-shaped block extensions facing inwards to the central areas would not have any adverse impact on amenity in consideration of the distance between each wing of more than 35m.

24. As noted previously there are some existing habitable room windows within the flank walls between each block that have a separation of 6m. Only one of these rooms, a second bedroom to each flat, are single aspect and face towards the neighbouring block (there are single aspect kitchens on these elevations, however they are too small to be considered habitable rooms and the receptions in these elevations are dual aspect). Whilst the expectation would be that development with habitable rooms in such close proximity would not normally be approved, the situation is unique in that the existing development is one that relies on light penetrating between the blocks east-west to provide light to these rooms rather than north-south given the existing close relationship and scale of each block. It is noted that the increase in height and provision of the external access balcony will further reduce the level of light however it is not considered that the level of harm would be so significant to warrant refusal.

25. Whilst officers recognise that during the construction process there may be some disruption to existing

and neighbouring residents, this would not be reason to refuse planning permission. However, it is noted that a Construction Method Statement will be provided as required by Environmental Health within the planning conditions which will seek to reduce impacts to neighbouring amenity, as will the condition required by Environmental Health for a minimum level of sound insulation to be provided between the existing and proposed development. For these reasons, the development is considered to have an acceptable impact on amenity.

## **26. Vehicular and cycle parking**

27. The site has fairly low public transport accessibility with a PTAL rating of level 2. There are 3 bus routes available locally but there are no rail or tube stations within walking distance. Maximum car parking spaces should thus be provided, as set out within the PS14 Residential Parking Standards.

28. Current parking spaces are located behind the block of flats accessed via the vehicular entrance in front of the site on Church Lane. There are signs on the private road in front of the flats which state there is no parking or loading and unloading in this area.

29. The site currently has 42 parking spaces which do not satisfy demand for the existing flats, whereby a minimum of 91 spaces should be provided in accordance with Policy PS14 of the Unitary Development Plan. However, a shortfall of parking is not required to be made up for this application.

30. Policy PS14 of the UDP has the following maximum parking requirements: 1 bed: 1 parking space, 2 beds: 1.2 parking spaces, 3 beds: 1.6 parking spaces. Therefore a total maximum allowance of 32.4 additional parking spaces is applicable for this site.

31. The applicant has proposed a total of 70 parking spaces for this site which includes the existing 42 spaces, therefore an additional 26 spaces have been provided which meets parking demand for the proposed new flats.

32. A total of 8 disabled parking spaces have been proposed with 2 spaces in front of each block and 2 spaces within the car park at the rear of the site. Although this exceeds the requirements set out in Policy PS15 it is acceptable as it provides disabled parking for the existing flats which currently do not have this provision.

33. A total of 72 cycle parking spaces have been proposed and the storage units will be located at the rear of the site within both car parks south east and north east corners to the rear. Planning policy requires that 1 cycle space should be provided per unit to comply with Policy PS16; a total of 72 cycle spaces does exceed the requirement for the proposed 26 flats however this has been welcomed by the council's Transportation department as it provides cycle spaces for the existing flats which currently do not have cycle parking.

## **34. Vehicular, emergency and refuse access**

35. Both vehicular crossovers are wider than 4.1m and are therefore sufficient for two way traffic movement in and out of the site. The vehicular access between blocks 2 and 3, leading to the car park, does have a pinch point which will lead to single lane traffic however this is not considered to affect the public highway. Garages north east of the site will also be demolished to create new parking spaces. The vehicular access road leading to the parking, adjacent to block 1, will also be single lane traffic however it will be signal controlled.

36. Bin storage is located at the rear of the flats along with the cycle parking in 3 separate locations. The Transport Statement does state that the refuse and recycling will be transferred to a collection point by the caretaker prior to collection time however, it does not state where this collection point will be.

37. The bin storage in the south east car park does meet the turning circle requirements for a hammerhead t-form however, the bin storage in the north east car park does not meet requirements of a turning circle for a refuse vehicle and will be too narrow for refuse vehicle to turn.

38. The applicant has indicated that for the north east bin storage, the existing management arrangement would be continued with bins relocated by the caretaker during collection day. This is shown on the revised site layout plan to be to the rear of the site in the north east car park and along the frontage. It is considered that this arrangement is acceptable.

## **39. Sustainability and renewable energy**

40. Major applications outside Growth Areas are required to meet Code for Sustainable Homes (CSH) Level 3 and a minimum of 50% on the Council's Sustainability Checklist is also sought. At the time of submission for the application, an improvement of 25% over Target Emission Rate of Part L of 2010 Building Regulations was required, as set out by London Plan policies 5.1 and 5.2.

41. A Sustainability Statement has been submitted which shows compliancy with meeting Code Level 3 and an improvement of 25% of TER of Part L of the 2010 Building Regulations through the use of energy efficiency measures and photovoltaics.

42. It is normally expected that a minimum of 50% on the council's Sustainability Checklist is achieved, however in consideration that this development is an extension to an existing block, which seeks to replicate the design of the existing, there is some difficulty in reaching 50%. It is thus considered that appropriate justification has been provided that a score of 41% is secured through the S106 agreement.

43. Concern has been raised by the Environmental Health of the level of projected NOx emissions from the boilers and further details will be required by condition.

#### **44. Trees and landscaping**

45. The original landscaping plan proposed a loss of trees without their adequate replacement. A revised Landscaping Masterplan, Arboricultural Survey and Arboricultural Method Statement has been submitted during the course of the application which has met the concerns of the Council's Tree and Landscape Officers and it is noted suitable replacement trees will be provided to compensate for the loss of some existing trees and soft landscaping. It is noted that there are 51 trees/ tree groups on site as existing, 10 of which are B Category (moderate quality); 27 are C Category (Low quality) and 4 of which are C/u (low quality/unsuitable for retention). It is proposed that one B category tree is to be removed alongside four C category trees and one category C/u tree. The number of proposed trees significantly outweighs the loss of these six trees, with 36 replacements provided.

46. The hedge to the front of the site will be maintained as existing as will the soft landscaping surrounding the site with enhancements. A condition will be included to ensure that the Arboricultural Survey and Method Statement are complied with.

#### **47. Flood risk**

48. Flood Risk Assessments are required for all development sites within Flood Risk Zone 1 where they are larger than 1 hectare. A Flood Risk Assessment has been submitted with this application and the Environment Agency have been consulted, who accept the approach taken subject to ensuring that there is no increased runoff and details of permeable surfacing are provided, including water storage runoff facilities.

49. This will be considered prior to construction and a condition has been included to ensure this is complied with.

#### **50. Community Infrastructure Levy and Legal Agreement**

51. The following table provides a summary of the development schedule for the proposed scheme:

Use	Existing (sqm GIA)	Floorspace Proposed (sqm GIA)	Floor Space Net (sqm GIA)	Difference
Residential (C3) Use	6012	8016	+2004	

52. If approved, the application would attract a liability for both Brent and Mayoral Community Infrastructure Levy (CIL).

53. Based on the above floor areas the Brent CIL liability is estimated as £409,786.55.

54. In terms of Mayoral CIL this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as £71,712.65.

#### **55. Conclusion**

56. Overall, for the reasons set out above it is considered that the proposal would comply with Brent's Statutory Adopted Planning Policy subject to condition and resolution of affordable housing issues.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs

**CONDITIONS/REASONS:**

- (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):

***Existing Plans and Elevations:***

(EX)00; (EX)01 Revision 1; (EX)02; (EX)11; (EX)12; (EX)13; (EX)14; (EX)15; (EX)16; (EX)17; (EX)18; (EX)20; (EX)21; (EX)22; (EX)23; (EX)24; (EX)25

***Proposed Plans and Elevations:***

(PL)01 Rev 03; (PL)13; (PL)14; (PL)15; (PL)16; (PL)17; (PL)18; (PL)20; (PL)21; (PL)22; (PL)23; (PL)24; (PL)26; "Block 3 - Proposed Elevations"; (PL)01 Rev 02 "Bin Store Collection Point";

***Supporting Documents:***

Design And Access Statement dated August 2013 Revision 0;  
Planning and Noise Assessment Ref. 102446.ph Issue2 dated July 2013;  
Arboricultural Method Statement Ref. JLL/BCT/AMS/01B dated 27th October 2013;  
Arboricultural Survey Report Ref. JLL/BCT/AIA/01B dated 27th October 2013;  
Landscape Plan (Sheet 1) dated August 2013;  
Landscape Plan (Sheet 2) dated August 2013;  
Flood Risk Assessment by Hurst Peirce and Malcolm LLP Revision 1 dated 23rd September 2013;  
Flood Risk Assessment by Hurst Peirce and Malcolm LLP (Revision 2 - Updated) dated 26th September 2013;  
Energy Strategy by Metropolis Green dated 05/072013;  
Planning Statement by Jones Land Lasalle dated August 2013;  
Transport Statement by TTP Consulting dated July 2013;

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

- (3) All alterations to the rear courtyard, including the laying out of the parking spaces, shall be constructed and permanently marked out prior to occupation of any part of the approved development. Such works shall be carried out in full accordance with the approved plans and retained thereafter, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of the amenity of existing and future occupants.

- (4) A detailed surface water drainage scheme which is in accordance with the approved Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the local planning authority prior to commencement of works, and shall include a restriction in run-off and surface water storage on site as outlined in the Flood Risk Assessment. If it is found on further investigation that infiltration methods cannot be implemented, permeable paving shall be used in conjunction with attenuation tanks as a minimum to ensure sustainable drainage techniques are used on site. The scheme shall subsequently be implemented in accordance with the approved details prior to completion of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- (5) Details of materials for all external work, including samples of bricks, window colour samples, coping stones and render, 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.

- (6) Prior to commencement of development, detailed drawings at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority to provide further detail of the fenestration and relationship of the extension to the existing building. The development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure a design of development which is in keeping with the character of the existing building.

- (7) Prior to commencement of works, further details of the proposed bin store including materials samples shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate compliance with the recently adopted Household Waste Collection Strategy 2010-2014 in respect of refuse provision. The development shall be carried out and completed in accordance with the details so approved prior to occupation of the extension, and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (8) Further to the submitted details of landscaping treatment, the following shall be submitted to and approved in writing prior to commencement of development:
- (i) details of hard landscape works and to include details of permeable paving;
  - (ii) schedule of upgrading works to the existing blocks, including re-painting of render and repairs to the exterior brickwork where relevant;
  - (iii) details of repairs and improvements to all boundary walls;
  - (iv) details of the proposed arrangements for the maintenance of the landscape works;
  - (v) lighting proposed in the development.

All approved landscaping and upgrade works shall be completed in full accordance with the

approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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 and ensure that it enhances the visual amenity of the area.

- (9) The tree protection measures shall be implemented in full accordance with the approved Arboricultural Method Statement Ref. JLL/BCT/AMS/01B dated 27th October 2013 and the Arboricultural Survey Report Ref. JLL/BCT/AIA/01B dated 27th October 2013; and in accordance with BS 5837:2012.

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

Reason: To ensure the maintenance and protection of existing trees on adjacent land

- (10) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Time	Area	Maximum Noise Levels
Daytime Noise 07:00 – 23:00	Living rooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB L <sub>Amax</sub>

A test shall be carried out to show that the required internal noise levels have been met and the results submitted to and approved in writing by the Local Planning Authority prior to occupation. The development shall not be occupied until such levels are achieved.

Reason: To obtain required sound insulation and prevent noise nuisance

- (11) Prior to occupation of the development details of all domestic boilers installed shall be submitted to and approved in writing by the local planning authority demonstrating that the rated emissions of Oxides of Nitrogen (NOx) do not exceed 40 mg/kWh. The works shall be carried out in accordance with the approved details.

Reason: To protect local air quality, in accordance with Brent Policy EP3

- (12) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The Statement will also details how works will be carried out to minimise disruption to the existing residents. The development shall be carried out in full 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.

**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)

Any person wishing to inspect the above papers should contact Laura Jenkinson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5276