

**Committee Report**  
**Planning Committee on 16 July, 2014**

**Item No.** 05  
**Case No.** 13/2213



**Planning Committee Map**

Site address: 205-211 ODDS Inc, 235 & Land in Church Road Car Park rear of  
205-235 Church Road, London, NW10

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 29 August, 2013

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 205-211 ODDS Inc, 235 & Land in Church Road Car Park rear of 205-235 Church Road, London, NW10

**PROPOSAL:** Full planning permission sought for demolition of buildings within 205 and 235 Church Road, and redevelopment of section of Church End car park site to the rear of 207-233(odds inc.) Church Road to erect a part 2,3,4,5 and 6-storey building containing 65 residential units, 298m2 (GEA) retail floorspace, together with 7 car parking spaces and associated works as revised by plans and details. ("CAR FREE" DEVELOPMENT).

**APPLICANT:** Catalyst Housing Ltd

**CONTACT:** Jones Lang LaSalle

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

---

## **RECOMMENDATION**

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

## **SECTION 106 DETAILS**

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

1. Payment of the Council's legal and other professional costs on completion of the deed in (i) preparing and completing the agreement and (ii) monitoring its performance
2. Notification of material start 28 days prior to commencement
3. 37% affordable housing on a unit basis, consisting of 24 units (17 affordable rented and 7 shared ownership).
4. A contribution of £15,000 (£3,000 per tree) to be submitted to the Council to fund works to be carried out by the council for the planting of street trees on the High Road adjacent to the development.
5. A 'car-free' agreement, withdrawing the right of future occupants to on-street parking permits;
6. A Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme;
7. A Delivery & Servicing Management Plan for the site to be approved prior to occupation of the site, linked with the plan required for the development of the southern end of the car park given resolution to grant under local authority planning reference 13/1098 and including details of managed access to the market square area for deliveries
8. A Car Park Management Plan, setting out how parking spaces will be allocated and enforced and showing provision for electric vehicle charging points
9. Marketing and promotion for a Car Club within the locality of the site, including the provision of subsidised membership;
10. A joint agreement under S38/S278 of the Highways Act 1980 to undertake the construction and adoption of a new widened pedestrianised market square along the route of Eric Road between Church Road and High Road, including the provision of parking spaces at its eastern end, signing of suitable access, waiting and loading restrictions with associated Traffic Regulation Orders, lighting and drainage and all other associated accommodation works, in general accordance with the layout shown on drawing no. 417.012C; and
11. Sustainability submission and compliance with the Sustainability checklist ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4
12. CO2 reduction representing a 40% improvement on 2010 Building Regulations, pursuant to the London Plan (2011).

13. Achieve a BREEAM rating of 'Excellent' for the commercial element of the development
14. Join and adhere to the Considerate Contractors scheme

And, to authorise the Head of 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.

### CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£1,398,643.75** of which **£1,183,134** is Brent CIL and **£215,509.75** is Mayoral CIL.

#### CIL Liable?

Yes/No: Yes

### EXISTING

The subject site occupies approximately half of the Church End car park site located on the southern side of Willesden High Road, north of Church Road, adjacent to the Neasden Lane/Willesden High Road roundabout, covering an area of approximately 0.28 hectares. Nos.205-211 Church Road occupies the south-west corner of the site and form part of the Church Road Local Centre. It contains the Catalyst Housing Group (CHG) car park, west of Eric Road and the landscaped embankment adjacent to High Road. The site does not contain a listed building and is not located within a conservation area but is a designated Site of Archaeological Interest.

The northern boundary of the site adjacent to Willesden High Road is lined with mature trees, the south of the site is adjacent to the rear of 2-3 storey buildings on Church Road which are mainly commercial/retail at ground floor with residential above. South-west of Eric Road is the other section of the car park which is owned by the Council and nos.179-203 Church Road within the 2-storey buildings that form part of the Church Road Shopping Parade.

This section of the car park is outside the site boundaries and has been subject to a recent planning application to redevelop the site as 34 residential units with a ground floor non-residential space and a new market square under planning application reference 13/1098. This application received a resolution to grant planning permission at Planning Committee on 17/07/2013 subject to completion of a section 106 agreement which is yet to be completed. The proposed market square would occupy land partly within the site subject to this planning application, currently occupied by no. 205 Church Road.

Members will be aware that the whole car park site is currently used as an open-air market on Wednesdays and Saturdays for which there have been a number of temporary planning consents, the last of which was recently granted under application 11/1458 to renew temporary consent to continue the use until 22/05/2014.

### DEVELOPMENT SCHEDULE

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
dwelling houses	0	0	0	5736	5736
shops	283	0	283	390	107

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	283	0	283	6126	5843

#### Monitoring Residential Breakdown

##### Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Affordable Rent Flat		3	12	1						
Flats û Intermediate		2	5							
Flats û Market		8	34							

### Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Affordable Rent Flat										
Flats û Intermediate										
Flats û Market										

### PROPOSAL

See above.

### HISTORY

**Address: Church Road Car Park rear of 189-203, Church Road, London**

**11/1458:** Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 24/05/2013

**09/1095:** Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 29/07/2009

**08/2590:** Details pursuant to condition 7 (market management plan) of full planning permission reference 08/0792, dated 26 June 2008, for renewal of temporary planning permission reference 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 03/12/2008

**08/0792:** Renewal of temporary planning permission 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 26/06/2008

**07/0014:** Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 25/04/2007

**05/3523:** Change of use of car park to open-air market on Wednesdays and Saturdays – Granted 02/03/2006

**Address: 205 Church Road, London, NW10 9EP**

**13/1098:** Demolition of 205 Church Road and proposal of new market square to replace Eric Road. Demolition of 3 storey building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space (class A1/A3/B1/D1). Stopping up of Eric Road as revised by plans - Resolved to grant planning permission at Planning Committee on 17 July 2013. Pending decision, awaiting completion of legal agreement

**07/3808:** Change of use from launderette (Use Class Sui Generis) to restaurant (Use Class A3) – Granted 27/02/2008

**07/3809:** Change of use from launderette (Use Class Sui Generis) to take-away (Use Class A5) - Granted 27/02/2008

### POLICY CONSIDERATIONS

#### National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and

Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

The recommendation here is considered to comply with the 12 Core Principles set down in the NPPF:

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.
- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

### **Mayors London Plan 2011**

The relevant issues set down in the London Plan, and identified by the GLA, are as follows:

- Social Infrastructure
- Mix of Uses
- Housing
- Affordable Housing
- Density
- Historic Environment
- Urban Design
- Inclusive Access
- Sustainable Development
- Transport
- Crossrail.

Emphasis in the NPPF is for local planning authorities to identify and update annually a supply of deliverable housing sites (paragraph 47). The publication of figures from the Census 2011 have emphasised the need to identify additional land for housing, particularly in London and in Brent where the actual population increase has significantly exceeded all projections. Brent has a significant problem with people living in unsuitable accommodation therefore there is an imperative to maximise the supply of new homes. This need is recognised in London Plan policy 3.3, Increasing Housing Supply, which highlights the pressing need for more homes in London. The provision of 65 new homes will be a welcome addition to the housing supply in Brent. In terms of the density of housing, it is necessary to consider policy 3.4 of the London Plan, which states that development should optimise housing output for different types of location within the relevant density range shown in table 3.2.

### **Adopted in July 2010, the Core Strategy has 12 strategic objectives:**

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business

- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- 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 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
- CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

### **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 A pattern of development that reduces the need to travel, especially by car, will be achieved.
- STR11 Seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- 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 to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.
- STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

#### *Built Form*

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings.
- BE7 Public Realm: Streetscene
- BE8 Lighting and Pollution
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

#### *Environmental Protection*

- EP3 Noise and vibration



- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- EP6 Contaminated land

#### *Housing*

- H11 Housing on brownfield sites
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

#### *Transport*

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- 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
- 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.
- 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 for residential developments
- TRN27 Loss of existing off-street parking
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- 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.
- PS6 Car parking standards – Class B1
- PS7 Car parking standards – Class A1
- PS9 Car parking standards – Class A3
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

#### *Community Facilities*

- CF2 Location of small scale community facilities

#### *Town Centres & Shopping*

- SH27 New Retail Markets

### **Brent Council Supplementary Planning Guidance and Documents**

#### *SPG 17 "Design Guide for New Development"*

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"*

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.

*Brent Site Specific Allocations Adopted 2011 (SSAD)*

*CE1 Church End Local Centre*

The car park is part of site **CE1** Church End Local Centre in the SSAD which contains the whole of the car park site and buildings to the south. It includes Fortunegate Offices. The policy outlines that a new market square is proposed in the subject site alongside a new health centre. The site is outlined to have capacity for 120 units.

**SUSTAINABILITY ASSESSMENT**

Policy CP19 of the Council's Core Strategy sets out that where proposals are located in Growth Areas, such as Church End, they should achieve Level 4 of the Code for Sustainable Homes in terms of new residential accommodation and achieve a BREEAM rating of 'Excellent' in terms of new commercial floorspace.

A sustainability checklist has been submitted by the applicant which sets out that the scheme proposed scores over 50%. Officers have highlighted some areas in which further clarification and minor amendments may be required in order to ensure that this target is reached in practice, but are confident that amendments can be made to ensure that a 50% score is attained, and the applicant is aware that measures shall have to be taken to ensure that a 50% score is achieved in order to comply with the terms that shall be set out in the legal agreement attached to any planning permission for the proposal.

**CONSULTATION**

Public consultation was undertaken on 17/09/2013. 490 neighbouring properties were consulted.

1 letter of objection has been received. The issues raised concerning the development can be seen in the table below:

Issue raised by consultee	Response to objectors comments
The application will affect an existing right of access between Eric Road and the rear of my property no. 213 Church Road, and the correct notice has not been served by the applicant.	The site subject to this planning application does not contain land belonging to the belonging to the owner of no. 213 Church Road and therefore the applicant is not required to notify them under Certificate B as outlined within the Town & Country (Development Management Procedure) Order 2010. The owner of this property claims to have an existing right of access over the land owner by CHG onto Eric Road and it is yet to be determined legally whether this is the case. The proposed plans include retention of an access from Eric across part of CHG land to the rear of no. 213 Church Road so the owner would retain a right of access. In any case, the planning system allows a planning application to be submitted by an applicant whether or not they own all the land within the site, so this is not considered to be an issue that can prejudice the determination of the application.
Unacceptable sense of enclosure resulting in excessive bulk and scale of the development which would appear excessively large and out of scale with the local townscape.	Since the submission of the objectors comments, the proposal has been subject to a number of amendments relating to the bulk, scale and massing of the development which your officers consider address previously held concerns with

	regards to the impact upon amenities of neighbouring occupants. The issues of design and impact upon neighbouring amenity shall be addressed within the remarks section of this report.
Overdevelopment of the site will result in unacceptable level of disturbance to existing neighbouring businesses and residents.	Subject to compliance with conditions and the requirements of the legal agreement to be signed by the applicant and the Council with regards to means of construction and ongoing servicing and deliveries to and from the site, is not considered that the proposal would result in an unacceptable impact upon the function of neighbouring businesses or the amenities of neighbouring occupants.
Inadequate off-street parking provision will result in intensify local residential parking stress.	Matters in relation to parking are discussed in detail within the transportation section of the remarks section. However, following on from the submission of the objectors comments, the applicant has indicated their willingness to enter into a 'permit free' agreement which would remove the rights of residential occupants of the development to obtain permits to parking within surrounding controlled parking zones. Officers are therefore confident that the proposal will not result in an unacceptable impact upon on-street parking capacity in the locality.

### Statutory consultees

Transportation: No objection to the proposal, subject to a number of conditions as set down in the “remarks” section and the applicant entering into a legal agreement for the highway/streetscape works, controls on means of construction, management of the parking space and a travel plan.

Landscaping: No objection to the proposal, subject to a number of conditions as set down in the “remarks” section and the applicant entering into a legal agreement for the highway/streetscape works

Environmental Health: The proposal can be supported subject to compliance with a number of conditions in relation to details of energy/air quality and noise impact mitigation.

Ward Councillors: No comments were received.

### REMARKS

#### Introduction

This site is the subject of a Site Specific Proposal, as explained above, indicating that it is appropriate for development. In addition, Church End is defined as a Growth Area in the Core Strategy where the Council will focus its regeneration work. In this particular case, the car park is partly owned by Brent whilst the other section (the subject of this application) is owned by Catalyst Housing Group. A previous Planning Committee have resolved to grant consent for a residential scheme on the Council land and this application now envisages development the other part of the site. Obviously, it would have been better had one submission covering the whole site been submitted, but unfortunately this has not been possible. As a result, part of the exercise here has been to try to ensure that as well as being acceptable in its own right as a freestanding application it would also be capable of implementation along with the Council approval if and when that development is implemented. Officers have spent a good deal of time on this particular issue.

#### Amendments

1. The proposal has changed over time in an effort to get to a situation whereby the Council could recommend the scheme for approval. A large number of amendments have been requested for the development, with regards to its design, vehicular access, courtyard and parking layout, and to address concerns relating to the impact of the development upon neighbouring amenity. The originally submitted scheme was considered to have a poor street presence and an excessive proportion of the development was

at 6-storey level, particularly along the High Road elevation, which resulted in a bulky, visually over-dominant appearance. There were concerns with regards to the layout and standard of accommodation that would be provided for future occupants of the scheme, concerning standard of outlook, the proportion of sole-aspect units, the close-proximity of some habitable windows/balconies within separate units to each other and the standard of amenity space provision. It was requested that the scale of the development addressing Eric Road was reduced in order to ensure that it did not result in an unacceptable sense of enclosure and visual overbearing impact upon existing residential occupiers, when viewed from habitable rear windows of units in the upper floors of Church Road.

2. A further change related to the on-site arrangements which originally resulted in the land being dominated by hardsurfacing with little greenery. It was considered that all non-disabled parking spaces could be removed from the courtyard, to allow an improved environment for occupiers of the scheme to be provided. Alterations to increase the width and height of the vehicular entrance to the site off Church Road were also requested, in addition to details of bike storage for the commercial units. It was requested that a Car Club was established in the area to complement the development, which would be secured by way of a Section 106 agreement. Relocation of bin stores to improve access for refuse collection off the High Road instead of Church Road were also requested as was an improved landscaping scheme.

3. Therefore, the scheme has been amended as follows:

- Increased active frontage provided for the development through the inclusion of ground floor entrances of units facing the High Road and reductions in the height of the boundary front walls to the ground floor units to improve outlook and street presence. The proportion of 6-storey element was reduced within the High Road frontage. Roof gardens/terraces were introduced in their place.
- A large central portion of the section of the development fronting Eric Road was reduced from 4-storeys to 2-storeys and a reduction in depth of the first floor terrace adjacent to no. 213 Church Road was made to remove the scope for overlooking.
- The ground floor units were reconfigured to ensure that there were no single aspect units at this level
- Non-disabled parking bays were removed from the proposal which allowed an improved landscaped courtyard to be provided alongside alterations to the vehicular access to the development.
- The number of units within the development were reduced from 70 to 65

As is set out within the following sections, your officers consider that the alterations to the development address the concerns raised above and ensure an acceptable standard of development is achieved.

#### Principle of development

4. The site is part of the wider Church End Growth Area which is based on mixed use regeneration including a new market square, up to 800 new homes by 2026 and at least 200 new trees. Policy CP10 of the Site Specific Allocations Document (SSAD) also sets out a vision for the growth area in which affordable premises for local businesses and an educational outreach centre will be provided to support business start-ups and skills development. The site is part of site CE1 Church End Local Centre in the SSAD, which contains the whole of the car park site and buildings to the south. The policy outlines that a new market square should be provided within the subject site alongside a new health centre. The site as a whole is outlined to have an indicative capacity for 120 units.

5. The principle of the proposed development is considered to be broadly in accordance with the NPPF, regional and local policy and with the criteria of policy CE1 of the SSAD. The wider SSAD area is 1.4 hectares in size but this encompasses the whole of the car park, including the Council site to the south, boundary embankment and existing shopping parade.

6. Originally, it had been envisaged that a comprehensive redevelopment of the site would be brought forward by Catalyst Housing Group in accordance with the SSAD, with the assistance of the Council using its Compulsory Purchase Order (CPO) powers where required to acquire the land necessary to assemble the site. However, the economic downturn severely impacted upon the viability of the proposals to develop the entire site. In order to kick start the regeneration of Church End local centre, the Council therefore decided to make a more rationalised development proposal covering only part of the comprehensive development encompassing the southern section of the car park, which gained resolution to planning approval for 34 residential units, a new market square and a ground floor element of non-residential floor space, subject to the completion of a Section 106 agreement, under planning reference 13/1098. At 65 units within the 0.3125 hectare site, the number of units is broadly in line with the 120 unit capacity identified as appropriate for the whole of the car park site, taking into account the 34 unit scheme within a 0.31 hectare site given resolution to approval under 13/1098. There are no concerns in policy terms with regards to the inclusion of the small

Use Class A1 (retail) element at ground floor level. The proposal would deliver a key component of the wider Church End Growth Area aspiration to regenerate the area. The scale and principle of development is therefore considered to be acceptable.

### Housing mix and tenure

7. The housing mix of the scheme is set out in the table below:

Unit type	No. units	No. hab. Rooms	Total no. hab. rooms	% of unit type
1b/2p	12	3	36	18.5
2b/3p	5	4	20	7.7
2b/4p	42	4	168	64.6
3b/5p	1	5	5	1.5
1/2p w.chair mobility	1	3	3	1.5
2b/3b w.chair mobility	1	4	4	1.5
2b/3p w. chair	1	4	4	1.5
2b/4p w.chair	2	4	4	3
<b>Total</b>	<b>65</b>		<b>244</b>	<b>100</b>

As can be seen in the table above, there is only 1 family sized unit (3 or more bedrooms) proposed. Core Strategy policy CP2 states at least 25% of all new homes should be family sized accommodation of three bedrooms or more. Whilst there is a particular need for larger family homes of three bedrooms or greater in the borough, the constrained nature of the site in terms of its size and close proximity to the busy main road makes it less suited to family housing provision. A mix of 1-bedroom (13 units) and 2-bedroom (51 units) flats have been proposed, alongside a single 3-bedroom family dwellinghouse.

8. The application contains 24 affordable units. London Plan policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes requires "the maximum reasonable amount of affordable housing should be sought when negotiating" on relevant schemes. The policy provides further detail on the factors Local Planning Authorities should consider when assessing applications, including the need to encourage rather than restrain residential development (LP policy 3.3) and the specific circumstances of individual sites. It goes on to say that negotiations on sites should consider, amongst other things, the development viability.

9. In accordance with adopted policy, an Affordable Housing Viability Assessment has been submitted to support the application and this seeks to demonstrate that the scheme financial viability is such that no more affordable housing than the 24 units proposed can reasonably be delivered as part of the residential element of the scheme. Your officers have assessed this document, which sets out the anticipated development costs and scheme revenue. Taking into consideration the stated policy to promote mixed use, mixed tenure development in the borough, given the low values in the area, the high concentration of social rented housing in the Church End area, and the stated policy to promoted mixed use, mixed tenure development in the borough, it is considered that the scheme is providing a reasonable level of affordable housing whilst also introducing a proportion of private housing into the area. which works towards the policy aim of mixed tenure development within the Borough.

### Standard of accommodation

10. All of the ground floor units within the development aside from one unit within Block A would be accessed from personal entrances off the High Road whilst the upper floor units would be accessed from 4 stair cores, 2 of which would be accessed off the High Road and the other 2 located on the Eric Road frontage. Lift access would be provided for the upper floor units within Blocks A and C and all units within the development located at fourth floor or above would be served by a wheelchair accessible lift in accordance with London Plan Standards. There are 14 upper floor units within the development which are sole-aspect which is contrary to recommended guidelines set out within the GLHG. However, all units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17 and the GLHG, and benefit from personal amenity space, by way of garden terraces at ground floor level and balconies at upper floor levels. There are also 3 separate sky gardens which serve all 4 of the blocks and the revised courtyard layout provides approximately 250m<sup>2</sup> of useable amenity space.

11. The total private and communal amenity space would provide approximately 21m<sup>2</sup> amenity space per unit which is in general compliance with SPG 17 guidelines of 20m<sup>2</sup> per flat for amenity space provision for 1 or 2 bedroom units. There are some upper floor habitable windows/balconies facing the courtyard that would be closer than 20 metres to habitable windows of other units of the development within close proximity of each other. However, these windows/balconies are set at oblique angles and not directly facing each other, and therefore would not be considered to result in an unacceptable degree of overlooking between units. The revised submission includes lowered front boundary walls of 1 metre height and 3.4 metre set-back frontages for the ground floor units facing the High Road, which allows for an improved residential environment with satisfactory access to outlook and natural light. The 3 ground corner units however would still face 1.5 metre height boundary walls. This is not ideal, but considering the scheme as a whole and the relatively small number of units effected in this way, it is considered that on balance, the reduced set-back of the building allows for sufficient outlook and access to light whilst providing a secure environment for future occupants of the development.

12. The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. 6 of the 65 units are wheelchair adaptable and are positioned on the ground floor which is in general compliance with the London Plan requirement.

### Design

13. The design follows a perimeter block approach which sees the building envelope the Eric Road and High Road frontages of the site with the northern corner wrapping around onto Church Road. The revised plans have seen the bulk and massing of the development reduced and a greater articulation and detailing applied to the elevations.

14. The High Road elevation is mainly 6-stories in height, measuring 19.7 metres at its highest point which is higher than the adjacent element of Council car park scheme which was approved at 5-stories and 16.8 metres height. Whilst this is noticeably greater in scale, the central element of the elevation following revisions has seen the two corner book-ends cut back and changed. The removal of units at this level was required to increase the slenderness of the top storeys. The design now focuses on two interlocking forms mirrored on both ends of the High Road. This helps to breakdown the elevation into smaller component parts with dwellings accommodating recessed balconies or terraces. The inclusion of individual residential entrances to the ground floor units on the High Road provides an improved relationship between the development and street level.

15. On Eric Road, mainly in order to address concerns in relation to impact on neighbouring amenity, amended plans have seen a 24 metre section of the 4-storey element reduced to 2-storeys, meaning there is a 4-storey element closest to Church Road, stepping down to 2-storeys for the central element and then up 6-storeys adjacent to the High Road. In design terms, whilst this results in a slightly awkward junction between the different storey heights within this elevation, it is necessary in order to address concerns that were raised in relation to the bulk of this section of the development on neighbouring amenity levels, which are discussed within the impact on neighbouring amenity section of the report.

16. 2 shades of brick will be used for the majority of the development which alongside the recessed elements will help to break up the mass and articulate the elevations. Further details of materials shall be required by condition, to ensure that the development would be of a satisfactory standard of design. The general layout following revisions is a significant improvement on the original submission of the development. Your officers consider the proposed scale, bulk and massing of the development as revised, on balance, to be sympathetic to its surrounding urban landscape.

### Impact on neighbouring amenity

17. Officers were concerned about the original submission in relation to the likely detrimental impact upon access to natural daylight, outlook and sense of enclosure on the rear facing windows of adjacent residential properties Nos. 213-217 Church Road, resulting from the bulk, scale and massing of the original submission. This stemmed mainly from the siting and close proximity of the splayed inward angle of the 4-storey Eric Road block, coming within the field of vision of the rear habitable windows.

18. The submitted daylight and sunlight report reinforced these concerns in outlining that the development would result in 6 windows within 4 properties (nos. 213, 215, 217 and 219 Church Road) losing access to natural daylight in excess of BRE guidelines. Following discussions with the applicant, it was

requested that a large section of the frontage of the development facing Eric Road was reduced from 4-storeys to 2-storeys in height.

19. The plans were amended to make this revision and it is considered that the reduced height and bulk of this section of the development shall ensure that the outlook and access to natural light of neighbouring occupants within the upper floor flats of nos. 213 - 219 Church Road would not be unduly harmed by the development, and the reduced scale shall ensure that the development does not result in an unacceptable visual overbearing impact when viewed from neighbouring properties. Supplementary Planning Guidance 17 - "Design Guide for New Development" (SPG 17) requires the envelope of the building to be set below a line drawn at 30 degrees from the nearest rear habitable room window at 2 metres height and below a line drawn at 45 degrees from a height of 2 metres at the rear boundary of the nearest habitable unit. The development complies with the 30 degree rule and 45 degree rule when applied to the first floor rear window and rear boundary of no. 213 Church Road and the adjacent 6-storey element of the development addressing the High Road frontage.

20. The balcony serving flat D14 would be within 12 metres of the rear upper floor habitable windows of no. 213 Church Road, but in order to ensure there would not be an unacceptable loss of privacy between the 2 flats, a screen panel is to be inserted into the eastern section of the balcony. Further details of this screen balcony shall be required by condition. There are some upper floor rear facing windows and balconies within the development that would be within 20 metres of rear habitable windows within existing adjacent upper floor residential properties on Church Road. However, as these windows are set at oblique angles to each other, it is considered that a satisfactory level of privacy would be provided for both existing and proposed units. It is inevitable that the development would impact on the locality, given its scale, but the application needs to be considered in the context of the policy position set out above which has contemplated a comprehensive redevelopment of the site for some time.

### Transport

21. This site largely comprises the northeastern half of the car park to the rear of 189-223 Church Road, which lies within the ownership of Catalyst Housing Association (the southwestern half being within the ownership of Brent Council). The car park is accessed from the western ends of Preston Gardens and Eric Road (two short cul-de-sacs) beneath 1.9m height restriction barriers. The car park also abuts High Road (a dual-carriageway local distributor road), although there is no vehicular access from this road. The affected part of the car park currently comprises about 30 car parking spaces, reserved for private office use through the issuing of permits, with the unaffected southern half of the car park free for public use. The entire car park is used as a market on Wednesdays and Saturdays. The southern part of the car park under the ownership of Brent Council has received a resolution to grant from Brent's Planning Committee (ref: 13/1098) for its redevelopment to provide 34 flats, two commercial units and a new market square on Eric Road, subject to the completion of a Section 106 Agreement.

### **Servicing and access**

22. Vehicular entrance is proposed via a 4.4 metre wide, 2.6 metre high archway from Church Road adjacent to the northern junction of Ilex Road. As revised, the whole width of the access is now shown as a single block paved surface, with the entrance gates widened to 4m following the removal of the unnecessary pedestrian footway. This serves a reduced total of seven car parking spaces (including six disabled) within a smaller rear courtyard area surfaced in tarmac. Access is also retained via this courtyard to the existing rear service yard of 225 Church Road.

23. Given the reduction in the number of parking spaces within the site, cars are less likely to need to pass each other along the site access, so the slight squeezing in the access width can now be accepted. However, whilst the entrance gates are now set 3m behind the highway boundary, this is still not sufficient to allow cars to stand clear of Church Road whilst waiting for them to open and close though and the gates should be set a further 2m into the archway. Revised details of this shall be required by condition. Refuse storage locations have been amended, with the main residential store relocated from a point alongside the vehicular access to a point fronting High Road. This is welcomed, as refuse vehicles will be able to stand in greater safety on High Road to collect refuse, potentially using the adjacent parking bay when free.

24. The servicing arrangements are also dependent upon access to the market square area being made available on non-market days (with collapsible bollards having been agreed in the Council application). Deliveries to the commercial units by transit sized vehicles would also be expected to take place from the market square area on non-market days, along with occasional deliveries of furniture and white goods to the proposed flats. Access is also required to the garage at the rear of No. 213, via a 3.5m wide gated access

retained from the market square area to the rear of the new retail units. It is acknowledged that without effective management of the deliveries and servicing of - the market square, the independent units within Church Road still retaining access from the car park (nos. 213 & 233) and the proposed development - that parking, traffic and highway safety problems could arise on the adjacent roads.

25. To try and ensure all of these requirements are adequately catered for, a Delivery & Servicing Management Plan shall be secured through the S106 Agreement for the site, confirming delivery access arrangements and timings for the market square area and requiring a regular review of arrangements. This will need to be prepared in conjunction with the Delivery & Servicing Management Plan required for the development on the southern half of the car park site to ensure arrangements complement one another and ideally one document should cover both sites. It is now proposed for the market square to be adopted as a public highway, which means that the current arrangement that sees some of the refuse and bicycle stores opening outwards onto the square must be amended. This will be required as a revised detail by planning condition.

26. A joint agreement under S38/S278 of the Highways Act 1980 will be required for the undertaking of these works (to be secured within a S106 Agreement), with the area of the existing car park that is already in Brent's ownership needing to be transferred across as future highway responsibility. If adopted, there would no longer be any need to stop-up the existing length of Eric Road as highway, as previously proposed for the market square in the Council scheme reference 13/1098.

### **Parking provision and travel plan**

27. Public transport access to the site is moderate-good (PTAL 3-4), with Neasden Underground station (Jubilee line) within 960 metres (12 minutes' walk) and eight bus services within 640 metres (8 minutes' walk) of the northern end of the site. A bus stand and bus drivers' toilet have also been provided on High Road to facilitate future extension of bus services into this area as it is redeveloped. Given that public transportation access within the area is likely to improve as regeneration of the wider area progresses, a reduced residential allowance of 0.7 spaces per 1-2 bed flat applies as per UDP parking standards. The development as revised has seen all on-site parking provision for future occupants of the development removed aside from 7 spaces, including 6 disabled parking spaces which complies with parking standards.

28. In order to ensure the development does not result in excessive overspill parking which cannot be accommodated on adjacent streets, a 'permit-free' agreement will be required, removing the right of future residents to on-street parking permits to ensure that the development does not create parking problems in the surrounding area. Financial support for local Car Clubs in the area will also be required through the Travel Plan to support the low parking provision.

29. To assist with this, any consent on this site should include through a Section 106 Agreement a commitment to future marketing of a Car Club for the area, including the provision of free or subsidised membership for residents for two years from first occupation. With regard to the siting of the Car Club vehicles, on-street bays on Preston Gardens have previously been suggested, which is considered acceptable in principle. The applicant has outlined their willingness to agree to the development being car-free and to provide support to create a Car Club in the area, which shall be secured as part of the Section 106 Agreement for the development. The remaining standard width space within the site should be provided with an electric vehicle charging point, which can be required by condition.

30. The reduction in parking has allowed the amount of soft landscaping at the rear of the site to be increased, thus improving amenity and natural drainage within the site, which is welcomed. The use of tarmac for the car park surface and block paving through the entrance arch is considered acceptable. The car park currently located within the site serves the Fortunegate Housing Group Offices and are therefore privately managed for local office staff use only.

31. A sufficient level of secured cycle parking storage in suitable locations is provided for the residential units to comply with UDP standards. No provision has been shown for the commercial units so revised details of cycle spaces for the commercial unit can be required by condition. To further promote non-car use to and from the site, a Residential Travel Plan has been submitted. This proposes a number of measures to be implemented and monitored by a Travel Plan Co-ordinator over a period of five years, with the aim of reducing the modal share of journeys by car/van drivers to and from the site. The submitted travel plan narrowly failed to achieve a pass when assessed against Transport for London's ATTrBuTE programme, but your officers are confident that a revised travel plan can be submitted that achieves a pass mark which shall be secured by a Section 106 agreement.



## Construction management

32. An outline Construction Management Plan (CMP) has been provided, setting out some parameters under which construction of the site will proceed. This will be developed into a detailed document by the site contractor, alongside a Construction Traffic Management Plan which will be required to be submitted to and approved by the Local Planning Authority prior to the commencement of all works on site. The Traffic Management Plan will focus on access arrangements, parking provision, unloading and storage arrangements for materials, scheduling/pre-booking of deliveries, temporary traffic management arrangements and procedures for consultation with local residents. Details of all of these issues must be included in a final Construction Logistics Plan, to be submitted and approved prior to a material start being made of the development.

33. The outline CMP also states that the most appropriate and economical means of access to the construction site is via Eric Road, with site offices and welfare facilities to be located along this road. It would be preferable to keep as much construction traffic on the main High Road as possible though, to minimise disruption along Church Road. In addition, siting of offices and welfare facilities in Eric Road would necessitate the temporary closure of the road, which could be problematic in terms of retaining rights of access to adjoining properties. The Council will therefore seek to ensure that any subsequently approved CMP sets out that site offices instead be positioned on the area of the car park beyond the end of Eric Road and that every effort is made to retain access along Eric Road for as long as possible.

34. The road will ultimately need to be closed for a period of time though, even if just during the construction of the market square, so a temporary road closure will be required at some point and this will need to be approved by the Transportation Unit. Temporary suspension of parking bays to accommodate loading areas will also require approval from parking services, whilst any encroachment of hoardings or oversailing of cranes over the highway will require a licence from Safer Streets. It is noted that the existing market is proposed to remain operational during the construction period on the southern half of the car park and it is essential that the site contractor liaises closely with the market operator to ensure the two operations can operate alongside one another in safety.

### Density

35. The site lies on the boundary between an area with average to good levels of Public Transport Accessibility (PTAL levels 3/4) with a density of level of 780 habitable rooms per hectare (HRH). Therefore the density level of this proposal is relatively high and marginally exceeds the 200-700 hrh range set out as appropriate for sites within urban locations with a PTAL level ranging between 4 (good) and 6 (excellent). However, as is set out within this report, following amendments, it is considered that the applicant has demonstrated that the development would provide a satisfactory level of accommodation with sufficient amenity space provision, whilst ensuring there would not be an unacceptable impact upon the amenities of neighbouring residential occupants. The alterations to the design have resulted in a development which on balance would respect the scale and character of the surrounding townscape. As such, the density of the development, whilst high, is on balance considered to be acceptable.

### Delivery of the Market Square

36. As discussed elsewhere within this report, a new market square was given resolution to be approved under planning application 13/1098. The proposed new market square will provide a pedestrianised link between the High Road and Church Road. This will be a permanent home for the existing Church End market which currently runs on Wednesdays and Saturdays, but also gives the scope for the market to grow and function on other days. Unfortunately, unforeseen delays have been encountered by the Council concerning land acquisitions required to implement the market square scheme which has resulted in it being more likely that construction on the scheme subject to this application could commence first, were Members to grant resolution for its approval.

37. The Council owns land within the site boundaries of this subject application required to facilitate its development and likewise, Catalyst own land within the boundaries of the site required to implement the Council market square scheme. It has always been a council priority to ensure the new market square is delivered as promptly as possible. Therefore, in order to expedite the delivery of the market square, it has been agreed during the assessment of this application that in addition to a land exchange, a developer agreement shall be secured between the 2 parties within which Catalyst will agree to undertake the physical works to build the market square, at the expense of the Council.

38. Catalyst consider that due to the constraints on the construction of the development, resultant health

and safety concerns and the damage that would be incurred on the market square surface itself during construction, it would not be feasible to build out the new market square in advance of the substantial completion of the development subject to this application. Therefore, they have proposed an interim phasing of works which would see the market temporarily relocated onto a North-western segment of the car park (within the demise of the Council end of the car park), to allow construction on the Catalyst development to commence. The area earmarked for the market relocation is approximately 1,200m<sup>2</sup> in size which is close to the size of the existing 1,400m<sup>2</sup> market, and should therefore allow the market to continue to operate at the same capacity as existing. However, no formal proposal for such a re-location has so far been submitted for consideration. It is important to note that all parties are aware of the need to maintain a market presence on the site in one form or another.

39. Facilitating the temporary relocation of the market will be co-ordinated by the Council Estates Team and may require a full planning application for the temporary relocation of the market. Catalyst confirm that the market square would be constructed prior to practical completion and occupation of the development. The detailing of the market square, including layout and materials were approved as part of the Council planning application and it is envisaged that the works will be undertaken in accordance with those details, which were deemed to introduce a step change in build quality for the Church End area. Any material alterations that are proposed to those details would require an amendment to the application given resolution for approval. Specific details will need to be acceptable to the Transportation Unit if the square is to be adopted and these will need to be agreed through the detailed S38/S278 technical approval process.

40. It is considered that given the unforeseen delays in commencing works on the Council application, that the above approach represents the best way of expediting delivery of the new market square whilst maintaining its continuing function in the temporary location whilst construction is being undertaken.

#### Landscaping

41. As with the Council market square scheme, The frontage of the site addressing High Road currently has a number of mature trees running along the embankment of the site that would have to be removed as part of the development. In this case, there are 18 trees, of which 17 would have to be removed as part of the development. Whilst it is obviously regrettable that the boundary trees would be lost, given the contribution the trees make to the visual amenities of the street scene, retention of them would hinder the development of the site, as doing so would require the building to be set-back much further from the boundary of the site bringing it into closer proximity to the existing buildings on Church Road which would create issues with regards to its relationship with these adjacent properties. It would also reduce the size of the courtyard that could be provided as amenity space for occupants of the proposal and to provide disabled access parking spaces.

42. Indicative plans for approximately 5 replacement street trees of an appropriate species to be planted at the centre point of the public footway between the cycle and pedestrian footway have been provided. The proposed trees could act as an attractive landscape treatment which would not impede pedestrian/cycling movement whilst ensuring the outlook of windows within the frontage of the development is not unduly impacted upon. A financial contribution of £3,000 per tree will be required to be secured as part of the S.106 agreement for the planting of the street trees by the Council, as it is deemed essential to the visual amenities of the street scene given the loss of the mature trees on site, that replacement street landscaping is provided.

43. As part of the Council scheme to redevelop the southern half of the car park and introduce a new market square, a mature London Plan tree - listed as T1 on the tree survey submitted with this application - would be retained to act as a focal point of the new square. The proposed development would be located within 9 metres of the trunk of this tree and therefore measures must be taken to ensure the health of the tree is not unduly harmed during the development. Your officers have reviewed the submitted information with regards to means of construction and are broadly in agreement with the proposed approach taken to ensure the health of the tree is maintained during the works. Conditions requiring specific details of how the tree would be protected during the works shall be attached to any consent.

44. The proposed landscaping scheme as revised would see a landscaped courtyard area provided for future occupants of the development. Indicative plans show that seated areas will be provided adjacent to landscaped boundaries. The courtyard of the development would provide a satisfactory scheme of boundary landscaping and hard landscaping materials.

45. The courtyard would act as a secure amenity space for occupants of the proposal providing lawned areas with seating and bike storage. Given the constrained nature of the site and the standard of proposed landscaping that would act as replacement, on balance the loss of the existing trees is considered to be

acceptable. Details of landscaping shall be conditioned to be carried out in accordance with the details subsequently approved.

### Archaeology

46. The site lies within a site of Archaeological Importance as designated within the UDP. The policy requires that applicants have the archaeological implications of their proposals assessed by means of a recognised archaeological group (if necessary by a preliminary site investigation), provision is made so that sites are properly investigated and excavated before development begins; and that landowners and developers work in accordance with the British archaeologists and developers' code of practice. This is in line with The National Planning Policy Framework and the Greater London Plan 2011 which requires Local Planning Authorities to require a desk-based assessment where a proposal may affect a designated heritage asset and where necessary a field evaluation report.

47. An Archaeological desk-based assessment has been submitted which has been carried out by 'CgMs Consulting'. This sets out the archaeological and historical background of the site, the likely significance of any buried heritage assets on site, the potential impact of the proposal on these assets and suggestions for further investigations that are likely to be required.

48. The report outlines that there is a good potential for post-medieval remains associated with the former Medieval and post Medieval Willesden Rectory Manor. Development and redevelopment across the site since the 19th century will have had a cumulative impact upon underlying deposits. Any archaeological evidence on the site is therefore likely to have been severely truncated by later development.

49. Given the above, the report advised that further site-specific investigation in the form of a programme of archaeological work should be required to ensure that the impacts on the potential archaeological assets within the site resulting from the proposal are thoroughly investigated prior to the commencement of any excavation or construction works on site, but this work could follow planning permission secured by condition.

### Ecological interests

50. In support of the application, a phase 1 Habitat Survey has been submitted by Middlemarch Environmental Ltd. The report sets out that the phase 1 habitat survey found that a number of habitats present within the survey area have the potential to support protected and notable species including nesting birds. As a result, to ensure compliance with wildlife legislation and relevant planning policy, it was recommended a bat survey should be undertaken, as it would be considered to be suitable for use by bats. This will be required by condition.

51. A method statement would be required to control the spread and suitable removal of invasive plant species Japanese knotweed. Any trees that are to be retained within the proposal should be protected in accordance with the correct legislation, British Standard 5837: 2012 (condition). The report also recommended that vegetation clearance/removal of trees should be undertaken outside the nesting bird season and that any excavations that need to be left overnight should be covered or fitted with mammal ramps.

### Secured by Design

52. The backs of gardens for the ground floor units will benefit from boundary fencing and screen planting to provide security and legible separation from the landscaped courtyard. 1 metre height brick boundary walls will also be provided along the frontage and entrances of ground floor units alongside planting which shall create active frontages where habitable rooms look out onto streets and allow for on-street surveillance around the block. Corner units adjacent to Eric Road where the new market square shall be located, and the north-eastern boundary of the site will have 1.5 metre height boundary walls.

53. As is discussed elsewhere in the report, the construction of the market square subject to the Council application 13/1098 is to be carried out by the developer of this application as part of the developer agreement, which will be secured between the Council and the applicant as part of the exchange of land owned by the other party required to facilitate their respective developments. The developer agreement will require the developer (Catalyst) to undertake the market square works in accordance with the details as subsequently approved within the Council scheme or as subsequently varied if any changes are proposed. The scheme given resolution to approval at planning Committee in July 2013 included new lighting for the market place and which will improve security for the development addressing the Eric Road frontage. Access to the upper floor units and to the rear courtyard would via the 4 stair cores serving each block, which will

presumably be secured via key/fob key access.

### Conclusion

54. Subject to compliance with conditions, the proposed development would offer the following strategic benefits:

- 65 new homes including 1 family-sized unit,
- 37% of the residential units would be affordable
- An environmentally sustainable development, reaching Code For Sustainable Homes Level 4 and BREEAM 'Excellent'
- A good quality level of architecture that would improve the local built environment.

The delivery of a quality first phase of regeneration of the Church Road Local Centre is therefore considered to be in general accordance with national, regional and local policy which seeks to promote sustainable development. It is therefore recommended for approval.

**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
- NPPF
- Council's Supplementary Planning Guidance
- Mayors London Plan

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
  - Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
  - Transport: in terms of sustainability, safety and servicing needs
  - Community Facilities: in terms of meeting the demand for community services
  - Design and Regeneration: in terms of guiding new development
- Site-Specific Policies

### **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):

#### **Plans numbers**

1244 PL203 Existing Elevations 1  
1244 PL204 Existing Elevations 2  
1244 PL001 Location and Topographic Survey  
3520-D Tree survey plan  
11348 C100 D2 Indicate Surface Water Management

Un-numbered site location plan  
PL001 A1 Site Location Plan & Site Topographic Survey 1:200 & 1:1250 /  
PL002 A1 Proposed Ground Floor Plan Rev. D  
PL003 A1 Proposed First Floor Plan Rev. A  
PL004 A1 Proposed Second Floor Plan Rev. C  
PL005 A1 Proposed Third Floor Plan Rev. B  
PL006 A1 Proposed Fourth Floor Plan Rev. A  
PL007 A1 Proposed Fifth Floor Plan Rev. A  
PL008 A1 Proposed Roof Plan Rev. A  
PL009 A3 Section through 213 Church Road Rev. C  
PL200 A1 Proposed North & West Elevations Rev. D  
PL201 A1 Proposed Internal Courtyard Elevations - East & West Rev. C  
PL202 A1 Proposed South & East Elevations Rev. C  
PL400 A3 Privacy Screen Detail  
2441-GMP-01 Rev. B Landscape Masterplan

### **Supporting documents**

JMP Construction Management Plan report dated 20 May 2014  
JMP Church End Air Quality Assessment dated 31 July 2013  
Hayden's Aboricultural Consultants Tree survey, aboricultural impact assessment, Church End car park, dated 01/08/2013  
'CgMS' Archaeological desk-based assessment, Land at Church End car park, dated July 2013.  
Middlemark Environmental Ltd Code for Sustainable Homes Ecological Assessment, Church Road, dated August 2013  
Calford Seaden Energy Strategy for the Church End Development dated August 2013  
Middlemarch Environmental Ltd Extended Phase 1 Habitat Survey, Church Road, Church End dated August 2013  
Campbell Reith Flood Risk Assessment  
Campbell Reith Geoenvironmental and Geotechnical Desktop Study July 2013  
JMP Noise Assessment report, Church End dated 01 August 2013  
Jones Long LaSalle Planning Statement – Church End Car Park, dated August 2013  
JMP Church Road Transport Statement dated August 2013  
1244 Church End II – Schedule of Accommodation REV C  
Allen Pyke Associates Landscape Strategy, Church End, Rev. B dated December 2013  
1244 Church End II Material Schedule (indicative)

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

- (3) The dwellings shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide. No dwelling shall be occupied until a Certified Assessor has confirmed that the dwelling has achieved Code Level 4 and a final application has been made to obtain a Final Code Certificate.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of ensuring a sustainable form of development.

- (4) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials shall, where practicable, be carried out entirely within the curtilage of the site.

Reason: To ensure that materials or vehicles awaiting or being loaded or unloaded are parked in designated areas and do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area

- (5) All residential units within the development hereby approved shall be built out in compliance with Lifetime Homes Standards.

Reason: In order to ensure an adequate quality of residential environment

- (6) 10% of all residential units within the development, hereby approved, shall be easily adaptable for wheelchair users, as defined by the Mayor's SPG (November 2012) ie: do not require structural alterations (such as removing walls to enlarge rooms) to make it suitable for wheelchair users.

Reason: To ensure a development that would meet the needs of all potential users and in order to comply with the provisions of the London Plan.

- (7) The ground floor retail premises (A1) shall not be used except between the hours of:
- 0700 hours and 0000 hours Mondays to Saturdays
  - 0900 hours and 2300 hours Sundays and Bank Holidays

Reason: To ensure that the development does not prejudice the enjoyment by residents of their properties.

- (8) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

The investigation and report shall include measures for the removal and eradication of Japanese Knotweed within the site.

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

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

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

- (10) No excavation and/or construction works relating to the development hereby approved may be undertaken on the site until a programme of archaeological work, in accordance with a written scheme of investigation has been submitted to, and agreed in writing by, the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority".

Reason: To ensure that this site, in an Archaeological Priority Area, is properly investigated and if necessary excavated before development begins, in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004.

- (11) The development hereby approved shall not commence (save for demolition) unless a drainage strategy, detailing on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented in full.

Reason: To ensure a satisfactory form of development.

- (12) In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be

submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

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

- (13) A landscaping management plan which sets out the proposed arrangements for the ongoing maintenance of the landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the buildings within the development. The landscaping shall be maintained in accordance with the approved details thereafter for the lifespan of the development.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure it enhances the visual amenities of the area.

- (14) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Hardstanding materials

(iii) Screen planting on boundary

Any screen planting that is proposed along the boundaries of the site.

(iv) Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

(v) Mounds existing contours and any alteration of the ground levels, such as earth mounding.

(vi) Screening of:

Provisions for the satisfactory screening of views looking eastwards from the balcony serving unit D14

(vii) Signboards and seating

Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.

(viii) Play equipment

Plans and details showing definite locations and specifications for all play features within the development.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by

trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (15) The development hereby approved shall not be occupied unless details of external CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning

Authority. Once approved the approved details shall be implemented in full and permanently maintained.

Reason: In the interests of safety, amenity and convenience.

- (16) The area denoted for retail use on the ground floor plan hereby approved shall achieve a BREEAM Excellent Rating. Prior to occupation, a BREEAM post-construction review shall be submitted to the Local Planning Authority to verify delivery of this specification.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of ensuring a sustainable form of development.

- (17) 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 at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It should be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities. An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to The Local Planning Authority, in writing, for approval. The plant shall thereafter be installed and maintained in accordance with the approved details

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2

- (18) Notwithstanding the plans otherwise hereby approved, revised details which show provision of a layout and details of the cycle storage fixtures for the retail unit on the ground floor plan hereby approved shall be submitted to and approved in writing prior to the commencement of above ground development (save for demolition) works on site. Thereafter, the works shall be carried out in accordance with the approved details prior to occupation of the development and maintained as such for the lifespan of the development.

Reason: To ensure satisfactory facilities for cyclists.

- (19) Notwithstanding the plans and details otherwise hereby approved, no development shall take place, including any works of demolition, until a detailed Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include details of:

- i. Specification of construction works at each phase of the development
- ii. Construction Logistics Management
- iii. Consideration of environmental impacts and required remedial measures
- iv. Erection and maintenance of security hoarding including decorative displays, where appropriate
- v. Wheel-washing facilities
- vi. Parking of vehicles of site operatives and visitors
- vii. Arrangements for the loading and unloading of plant and materials
- viii. Storage of plant and materials used in constructing the development
- ix. Scheme for recycling/disposing of waste resulting from demolition and construction works



- x. Commitment to adopt and implement the Considerate Contractor Scheme
- xi. measures that will be taken to control dust, noise and other environmental impacts of the development

Reason: To allow the Local Planning Authority to exercise proper control over the development in the interests of amenity.

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:

<b>Time</b>	<b>Area</b>
Daytime noise 07:00-23:00	Living rooms
Night time noise 23:00 - 07:00	Bedrooms

A test shall be carried out prior to the discharge of this condition to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance.  
(20)

- (21) No works shall commence on the development before an Arboricultural Method Statement for the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) A schedule of all works to trees on-site and those adjacent to the site affected by the development to facilitate the development or ensure the health of the tree(s)
- (ii) For those areas to be treated by means of any hard landscape works including access Roads and pathways, provide:
  - " detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
  - " details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works;
  - " attendance of a qualified and experienced arboricultural consultant during sensitive operations;
  - " works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010);

The works shall be completed in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of amenity.

- (22) No works shall commence for each phase of the development before a Tree Protection Plan for the development has been submitted to and approved in writing by the local planning authority. Such details shall include method statements and plans which:

- (i) adhere to the principles embodied in BS5837:2012
- (ii) indicate exactly how and when the retained trees on-site or off-site near the site boundaries will be protected during the construction; and

(iii) show root-protection zones

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- (23) No above ground development (save for demolition) shall commence until details of any external lighting shall, including the external lighting fixtures and a light contour plan for the land surrounding the building shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

- (24) Details of materials for all external work 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.

- (25) Notwithstanding the plans otherwise hereby approved, a revised ground floor plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of all works on site. The works shall be carried out in accordance with the approved details. The revised plan shall include the following minor amendments to the site layout to:

set the proposed vehicular gates on the access at least 5m away from the highway boundary;  
amend all doors to the building to open into the site;  
provide a publicly accessible bicycle stand for the proposed retail units;  
Indicate the provision of an electrical charging point for one of the parking spaces

Reason: To ensure a satisfactory standard of development that is acceptable in highway safety and transportation terms.

- (26) Prior to any works commencing on site, a bat survey and report shall be submitted to and approved in writing by the Local Planning Authority. All recommendations within the approved report shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and species protection.

#### **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) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

- (3) The applicant is informed that, for the avoidance of doubt, this permission does not give consent for any shopfront or advertisements on the building which would require formal approval in their own right.
  
- (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 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).

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Roland Sheldon, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232