

 **Planning Committee Map**
Site address: 18 Neasden Lane and 450 High Road, London, NW10
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This map is indicative only.

RECEIVED: 6 November, 2014

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 18 Neasden Lane and 450 High Road, London, NW10

PROPOSAL: Demolition of existing Vicarage and yard, and erection of a part 5, part 6-storey building comprising a ground floor commercial unit (Use Class B1) (50sqm) and 47 residential flats (18 x 1 bed, 17 x 2 bed, 11 x 3 bed and 1 x 4 bed) with associated car, cycle and motorbikes spaces, landscaping, new metal railing fence and amenity space

APPLICANT: London Diocesan Fund

CONTACT: Maven Plan Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the recommended conditions listed after paragraph 44 and 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 Chief Legal Officer.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 23 (49%) affordable units comprising 6 Affordable Rent (2 x 1, 3 x 3 and 1 x 4 bed) and 17 shared ownership units (7 x 1, 7 x 2 and 3 x 3 bed). All 3 and 4-bed Affordable Rent units to be target rents + service charge and 1-bed Affordable Rent units shall be up to 80% market rent inclusive of service charge.
- A contribution of £14,000 towards replacement tree planting along Neasden Road, close to the site.
- Secure the 50sqm of commercial space as "affordable" where this space would be let at £5psf (as at 2015)
- Sustainability measures to include achieving Code for Sustainable Homes Level 4,, a 40% reduction in CO2 emissions beyond the 2010 Building Regulations, achieve a 45.2% score on the Council's Sustainability checklist and adhere to the Demolition protocol (2008)
- Car-Parking Permit Free development
- Provision of free Car Club membership for two years and driving credits for all new residents of the development, subject to a maximum membership 'cap' of £60 per unit, and driving credits capped at a maximum of £50 per unit
- Join and adhere to the Considerate Constructors 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 relevant policy requirements 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 **£896,563.85** of which **£760,967.89** is Brent CIL and **£135,595.96** is Mayoral CIL.

Members should note that the developer may be able to claim social housing relief for any eligible affordable housing units within the development which could significantly reduce the CIL liability stated above.

The existing vicarage and stone masons workshop appear to be currently occupied and therefore the existing floorspace has been taken into account in calculating the CIL liability.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site has an area of 0.21ha and is located adjacent to the roundabout junction between High Road, Willesden and Neasden Lane. The site comprises of the St Mary's Vicarage (1.9ha) and grounds, and the stone masons works and yard (0.2ha).

In terms of Local Plan designations the site is located within Church End Growth Area and an Archaeological Priority Area. There is a Notifiable Pipeline running under the road adjacent to the site. High Road, Willesden is part of the London Bus Priority Network.

In terms of context, to the north, the adjacent site is occupied by Ebony Court, a 5-storey residential development. To the east lies the Willesden Magistrates Court. On the opposite side of Neasden Lane lies St Mary's Church and cemetery, a Grade II* Listed Building. On the opposite side of High Road, Willesden lies the Church End car-park, which is used to accommodate the Church End market on Wednesday and Saturday. The car-park has two planning applications with resolutions to approve for residential led mixed use development of up to 6 storeys opposite this site.

PROPOSAL

As above

HISTORY

There is no planning history directly related to the site. However, planning permission (ref 14/0638) was approved for a replacement Vicarage on the opposite side of Neasden Lane, adjacent to the St Mary's Parish Centre. This permission is extant until 16/05/2017.

Other relevant history includes two resolutions to grant planning permission on the Church End car park, opposite the subject site. This includes the redevelopment of the eastern side of the car-park to provide a 2 to 6-storey development comprising 65 residential units and 298m² (GEA) retail floorspace (ref 13/2213) and the redevelopment of the western side of the car-park to provide a new market square and a 2 to 5 storey development comprising 34 residential dwellings and 250sqm of flexible non-residential space (Use class A1/A3/B1/D1) (ref 13/1098).

POLICY CONSIDERATIONS

ThNational Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)

The NPPF (27th March 2012) sets out a presumption in favour of sustainable development in both plan making and decision making. The NPPG supplements the NPPF and provides further guidance on the interpretation on the policies contained within the NPPF.

Where the LDF Core Strategy, SPD's, SPG's and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendations are considered to comply with the NPPF

London Plan 2011 (with 2013 Alterations)

The London Plan sets out the strategic planning framework for Greater London. Local plans and local planning decision are required to have regard to the London Plan. The following policies are considered to be of particular relevance to the current application.

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities

- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 5.2 Minimising Carbon Dioxide Emissions
- 5.9 Overheating and Cooling
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.3 Designing out Crime
- 7.5 Public Realm
- 7.8 Heritage Assets & Archaeology

Mayor's Housing SPG 2012

The Mayor's Housing SPG sets out design guidance and standards for new residential development.

Brent's Local Development Framework Core Strategy 2010

The Council's LDF Core Strategy sets out the Council's strategic vision for delivering sustainable growth within the borough. The following policies are considered to be of particular relevance to the current application.

- CP1 Spatial Development Strategy
- CP2 Housing Growth
- CP5 Placemaking
- CP6 Design and Density in Place Shaping
- CP10 Church End Growth Area
- CP15 Infrastructure to Support Development
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 A Balanced Housing Stock

Brent's Unitary Development Plan 2004

The UDP contains more detailed policies which seek to shape development proposals to deliver the Council's objectives. The following policies are considered to be of particular relevance to the current application. These policies generally accord with the emerging Draft Development Management Policies.

- BE2 Townscape: Local Context and 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
- EP3 Local Air Quality Management
- H12 Residential Quality – Layout Considerations
- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

The following supplementary planning guidance is considered to be relevant to the application.

Supplementary Planning Guidance 17: 'Design Guide for New Development

Supplementary Planning Guidance 19:- 'Sustainable Design, Construction and Pollution Control s106 Planning Obligations Supplementary Planning Document (July 2013)

SUSTAINABILITY ASSESSMENT

ENERGY ASSESSMENT

The submitted energy statement sets out that the development would achieve a 40.21% reduction in regulated carbon emissions on the baseline requirements of the Building Regulations 2010. This saving is achieved through energy efficiency measures, the use of a combined heat and power unit (CHP) and through the installation of photovoltaic panels. This meets the requirements of the London Plan which sets a minimum reduction of 40% on the 2010 Building Regulations. It is recommended that compliance with the London Plan standard is secured through a s106 planning obligation.

CODE FOR SUSTAINABLE HOMES

The application is accompanied by a Sustainability Statement which includes a completed Code for Sustainable Homes pre-assessment report. The report concludes that Achieves the Code for Sustainable Homes Level 4, meeting the requirement in the Core Strategy Policy CP19 for growth areas. Compliance with the CFSH standards should be secured through a s106 agreement.

SUSTAINABILITY CHECKLIST

The Sustainability Checklist submitted with the application indicated a score of 35% which is well below the 50% score normally sought from new developments. The proposals have been reviewed to incorporate further sustainability measures and the indicative score has increased to 45.2%. Whilst this is still below the 50% target in this particular case, officers have reviewed the checklist and consider that this is the maximum score that would reasonably be achievable due to site conditions and constraints that are beyond the control of the applicant. Therefore on balance officers recommend that a score of 45.2% is accepted and that this should be secured through a s106 agreement.

CONSULTATION

PUBLIC CONSULTATION

Consultation letters, dated 6th November 2014, were sent to 374 local residents. Letters were also sent to Dudden Hill Ward Councillors, the Magistrates Court and the Unity Neighbourhood Forum.

The application was also advertised by way of a number of site notices erected around the site on 14th November 2014. These notices advertised the application as being in the public interest and affecting the setting of a Listed Building. A local press notice publicising the application was also published on 13th November 2014.

In response one letter of objection was received from a local resident. In summary the concerns raised relate to the potential for the development to have a negative impact on the value of the objectors property.

Cllr Janice Long has commented on the application. In summary the comments relate to the following issues.

- TfL should be asked to provide further bus routes to support the growth in Church End.
- The proposed development should take the opportunity to improve sight-lines and visibility along Neasden Lane.
- Chapel Close and Chantry Crescent are not in a CPZ. Funding should be provided for consultation to include these streets in a CPZ.
- There is likely to be limited demand for the commercial space, accessible residential might be more appropriate.
- Affordable housing should be provided as social rent levels rather than affordable rent levels.

A letter was received from The Unity Neighbourhood Forum providing comments on the application. In summary the following comments are made.

- There is no objection in principle to the loss of the vicarage.
- There are some concerns regarding the density of the development and the impact that this might have on traffic.
- There is an opportunity for the drainage on the corner of the junction to be improved.
- Concerns that the developer will not be able to let the commercial space.
- The existing vicarage will need to be replaced locally and this might be on the car-park next to the church hall on Neasden Lane. This may increase car-parking problems
- It is hoped that there will be affordable and social housing in the scheme.
- Consideration should be given to the proposals for the Church End car-park site when considering the impact of the current scheme on the environment and sight lines.

A letter was received from an agent on behalf of the Ministry of Justice (MOJ) relating to the potential impacts of the development on the Magistrates Court. The letter confirms that the MOJ do not object in principle to the redevelopment of the site for commercial and residential purposes. However, they do raise the following concerns:-

- The development could give rise to increased traffic that could cause problems for the general public, staff and Judges accessing the Magistrates car-park, particularly during construction. A construction management plan and servicing plan are required.
- The development could give rise to overlooking from the eastern elevation towards the court. It is suggested that conditions requiring obscured glazing and screening to terraces could be used to

overcome these concerns.

- Concerns regarding the impact of noise during construction on the operation of the court (the court operates between 9am-4.30pm). The MOJ suggest that all work with the potential to cause a disruption should take place outside of this time and that a point of contact should be provided should noise levels rise to unsatisfactory levels.

INTERNAL

TRANSPORTATION - The Council's Transportation Unit raise no objection to the proposals subject to a number of conditions and obligations. Further details are contained within the remarks section of the report.

ENVIRONMENTAL HEALTH - The Council's Environmental Health Officers have considered the proposals in terms of air quality, noise and disturbance, and land contamination. Environmental Health officers have not raised any objection to the proposals in principle but have recommended a number of detailed conditions to be attached to any permission to ensure that any impacts from the development are suitably controlled.

TREES - The Council's Tree Protection Officer has been consulted and does not object to the loss of the existing trees on the site subject to securing new replacement trees provided through on-site tree planting, secured by condition, and a contribution to provide the additional trees along Neasden Lane, close to the site.

STATUTORY CONSULTTEES

ENGLISH HERITAGE - English Heritage do not wish to comment in detail on the application but they have offered the following observations. There is no objection to the demolition of the existing vicarage building, however as the proposed replacement is substantially larger there are concerns over its impact and prominence in views of , and from the Grade II* listed church. English Heritage recommend that the Council determine the application in accordance with national and local policy guidance.

THAMES WATER - No objections to the proposal. Thames Water recommend a condition in relation to piling to ensure that underground infrastructure is not adversely affected.

BRITISH GAS/TRANSCO - No response has been received.

REMARKS

LAND USE PRINCIPLES: EMPLOYMENT & HOUSING

1. Although the site is not allocated within the Site Specific Allocations DPD, it is located within the Church End Growth Area. Core Strategy policy CP10 sets out that Church End should be "promoted for mixed use regeneration" and that 800 new homes should be provided within the area by 2026. The policy also seeks to deliver affordable premises for local businesses to support business start ups and skills development.
2. The majority of the site comprises of the Vicarage and its grounds, accessed from Neasden Lane, and therefore in planning terms it is already in residential use.
3. The remainder of the site is occupied by a stone masons workshop and yard which has independent pedestrian and vehicular access from High Road, Willesden. The stone masons site is approximately 175sqm with the workshop providing approximately 58sqm of light industrial floorspace. In planning terms, this part of the site is considered to be a local employment site. As such, its release for alternative uses needs to be considered against UDP policy EMP9 . UDP policy EMP9 allows local employment sites to be released where either there are unacceptable environmental problems associated with the site or where there is no effective demand for the premises. Although the vehicular access to the site, close to a busy junction, could give rise to transport concerns there is little evidence to suggest that there are either unacceptable environmental impacts or there is no demand for the site which appears to be occupied at present. However, the proposed development would include the provision of similar amount (50sqm) of affordable workspace which would be made available for discounted rent of £5psf which would be secured through a s106 agreement. For comparison, rents for office space within the local area would normally be between £10 to £15psf.
4. Giving that the site is within the Church End growth area, where the delivery of new homes and

affordable workspace are a key objective (Core Strategy Policy CP10), on balance, despite some shortcomings of the proposal against the stricter policy tests set out under UDP policy EMP9 given that the scheme would include the provision of comparable floorspace at discounted rents it is recommended that the principle of a mixed use development, including affordable workspace, on this site should be accepted.

HOUSING

UNIT MIX

5. The residential element of the proposed development would include 47 residential flats comprising of 18 x 1 bedroom (38%), 17 x 2 bedroom (36%), 11 x 3 bedroom (24%) and 1 x 4 bedroom flats (2%). As such, the unit mix of the proposed development provides 26% family sized units, exceeding the 25% target set out in Core Strategy Policy CP2.
6. The proposed development will include 5 (10%) wheelchair accessible units which complies with the London Plan. These will comprise of 3 ground floor 1-bedroom units (2x affordable rent and 1x shared ownership), one 2-bedroom shared ownership unit on the first floor and one 2-bedroom shared ownership unit on the second floor. Sufficient parking for these wheelchair units will be provided within the site (see 'PARKING').

AFFORDABLE HOUSING

7. In terms of affordable housing the original submission proposed 20 (43%) affordable units (16 shared ownership (SO) and 4 affordable rented (AR)). However, having reviewed the applicants viability assessment officers have negotiated an increase on that position and the scheme now proposes 23 (49%) affordable units, comprising 17 SO and 6 AR units, which is close to meeting the 50% target set out under core strategy policy CP2 and is considered by officers to be the maximum reasonable proportion of affordable housing that can viably be delivered by the scheme.
8. The proposed rented affordable accommodation would comprise 2x1-bedroom units (wc), 3x3-bedroom units and 1x4-bedroom units. The rents on the 3 and 4 bedroom units would be capped at target rents whilst the rents on the smaller 1-bedroom units could be up to 80% of market rent (Affordable Rent)
9. The proposed shared ownership affordable units would comprise 7x1-bedroom, 7x2-bedroom and 3x3-bedroom units.
10. London Plan policy 3.11 sets out that London's affordable housing should be delivered as 60% AR and 40% intermediate housing (including SO). It is noted that this is not a site specific target but in general sites would normally expect to make an appropriate contribution towards meeting this strategic objective. The current proposal would deliver affordable housing at a ratio of 74% SO and 16%AR when assessed on a per unit basis.
11. Whilst the proposed tenure mix of the affordable housing offer is at odds with the strategic target in the London Plan, this needs to be considered within the context of the current application and local housing needs. The housing stock in the Church End area already comprises a substantial proportion of social rented properties and there is a particular need in the area to provide intermediate housing to bridge the affordability gap between social rented accommodation and market housing and to support the regeneration of the area. Core Strategy policy CP21 seeks to maintain and provide a balanced housing stock in Brent and it is considered that the proposed development responds appropriately towards providing a diverse and balanced housing stock within the Church End area.

URBAN DESIGN

12. The proposed development would comprise of a six-storey building, with the top floor recessed to reduce its visual impact. The main body of the building would establish a building line with the street that respect the form of the corner, albeit the building would be set back for the edge of the footpath to provide a landscaped buffer in front of the building. To the rear the building steps down to a single-storey in height to enable parking to be provided below a podium which will be landscaped to provide a communal garden at first floor level.
13. The proposed building would be finished externally with a variety of materials including buff brickwork, render, cladding and glazing. In principle the proposed palette of materials are generally acceptable although should planning permission be approved further details would be required in order to ensure that the materials are of sufficient quality.

14. Overall, the massing of the proposed building would be comparable, particularly in terms of height, with the development proposed for the eastern end of the Church End car-park site and the development that has been built on the former White Hart Ph site, which are both six-storeys. Ebony Court to the north is five storeys in height, with part of its angled roof reaching close to six storeys, but this development does not benefit from a prominent corner location that would normally allow an increase in the prevalent height of the streetscene. Overall, it is considered that the general scale of the proposed development is consistent with the scale of the recent developments both approved and built in the Church End growth area and would be appropriate, in general townscape terms, within this context. The impact of the massing on the setting of nearby heritage assets is considered as a separate issue below.

IMPACT ON HERITAGE ASSETS

15. There are no designated or -non-designated heritage assets on the application site. Whilst the vicarage building has some architectural merit it is not considered to possess any particularly special architectural, historic or craftsmanship qualities that would reasonably allow the building to be considered a non-designated heritage asset. Overall, the demolition of the existing vicarage building is considered acceptable, subject to the re-provision of a building of suitable architectural quality.
16. The site is located opposite the Church of St Mary which is a grade II* listed building. The church originates from the 13th century, although it has been subject to restorations carried out in the 19th and 20th century. Despite this, the church retains much of its original plan form and external appearance including robust buttressing; the castellated west tower; the hexagonal chancel annexe; and an active gabled roofscape. Adjacent to the church is the vestry hall and cottages which are locally listed and therefore considered, under the NPPF definition, to be non-designated heritage assets. The impact of the proposed development on the setting of these important designated and non-designated heritage asset needs to be given special consideration. Given the relationship of these heritage assets with the proposed development and their relative historic importance should the impact on the statutory listed church be considered acceptable that it should follow that the impact on the locally listed hall and cottages should also be acceptable. In accordance with the NPPF the application has been accompanied by a Heritage Statement which considers the impact of the proposals on the historic environment. The applicants have also provided an addendum to the Heritage Statement to deal specifically with the concerns raised by English Heritage.
17. The NPPF defines the setting of a Heritage Asset as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*".
18. In terms of assessing harm to designated Heritage Assets the NPPF states "*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent*". Where the harm to the designated Heritage Asset is less than substantial the NPPF sets out that "*this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*". The NPPF suggest that less than substantial harm to a designated heritage asset may be acceptable, provided that any harm is outweighed by the public benefit of the proposal. However, in making a balanced judgement in respect of any harm to a designated heritage asset versus the public benefit of a proposal, regard must be given to the statutory test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The importance of doing so has been demonstrated in the Court of Appeal case *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire District Council (2) English Heritage (3) National Trust [2014] EWCA Civ 137*.
19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". This statutory test sets out a presumption against development where there would be harm to the setting of a listed building and therefore special regard, and great weight, has to be given to any harm to the setting of the grade II* listed Church of St Mary in making the balanced judgement required by the NPPF, in respect of any less than substantial harm to the designated heritage asset.
20. In this context English Heritage have raised some concerns regarding the mass of the proposed building and its impact on the setting of the listed church. English Heritage have not provided detailed comment

and therefore do not object to the proposal. However, they have advised that the Council should determine the application in accordance with national and local policy guidance.

21. Whilst there is a clear relationship between the function of the vicarage and the listed Church building, it is considered that this relationship does not extend to being one of historic or visual significance. The vicarage and the church are buildings from differing eras and of differing architectural styles. Furthermore, due to the existing high boundary wall around the vicarage and its set back from the street, the vicarage makes a limited direct visual contribution to the setting of the church. The vicarage site does however make some positive contribution to the setting in terms of the green appearance of the mature trees above the existing boundary wall.
22. In terms of the impact on views of the listed church, the reduced height of the boundary treatment to the proposed development would open up some views of the church from street level outside of the magistrates court that are currently obstructed by the existing wall. In terms of existing views of the church that are likely to be obstructed by the proposed development it is considered that these would be limited to some views from higher levels towards the rear of Ebony Court. The proposed building would clearly impact on other views of the church, without obstructing it, particularly from the east along High Road Willesden and shorter views from the west along High Road/Church Road. Due to the limited height of the church, its siting and the prominent siting of the St Mary's Parish Hall views of the church from Neasden Lane are limited to much closer distances and are less likely to be affected by the proposed development.
23. In terms of views from the church and those views of the church affected by the proposed development it is noted that the frontage of the proposed development would be located approximately 60m from the front of the church and would be set back from the edge of the footpath to allow a landscape buffer along the site frontage. The depth of the setback is not uniform but it would vary from approximately 5m on the corner in front of the proposed commercial unit before increasing up to 12m by the vehicular entrance to the proposed development on Neasden Lane. This buffer would allow mature tree planting along the site frontage opposite the church which would help to maintain and enhance the level of greenery that is currently enjoyed from the existing site. Although outside of the site, the proposals indicate tree planting on the wide footpath outside of the church which would also improve the setting of the listed church and further soften views from the church towards the proposed development. The applicant has agreed to make a specific contribution of £14,000 to fund this additional street tree planting.
24. The proposed development adopts a contemporary architectural approach which does not in itself make the impact on the setting of the church unacceptable. However, the architecture of the proposed building seeks to respond sympathetically to the setting of the church by incorporating well established design principles which reduce the perceived massing of the proposed building. The top floor has been recessed and will have a mainly glazed appearance, giving this part of the structure a more lightweight feel, reducing the sense of height and bulk. The elevations have been divided into separate bays which have been articulated through the use of different materials and a stepped building line to break down the overall mass of the propose building into a series of more sympathetic elements with a stronger vertical rhythm.
25. Overall, officers consider that whilst the proposed development would clearly have an impact on the existing setting of the church that, on balance, and having special regard to the importance of the setting of the Grade II* listed church, that the impact would be acceptable in accordance with national and local policy guidance..

ARCHAEOLOGY

26. The subject site is located within a designated Archaeological Priority Area. As with other recent applications in the vicinity of the site, a desk based archaeological assessment of the site has been provided as part of the submission. The study considers the historic development of the site and surrounding area and the potential for the site to contain archaeological remains across different time periods. Consideration is also given to the likely impact during the construction of the existing vicarage on archaeological remains that may have been present at the time. In summary the report find that there is a low potential for prehistoric and Roman remains, a low to moderate potential for early medieval remains, moderate potential for medieval and post-medieval remains and high potential for 19th century remains. The desk based study recommends that a condition be placed on any permission to require further on site investigations prior to, and during, any development of the site.

TREES

27. The proposed development will result in the removal of 31 of the 36 existing trees on site. None of the trees to be lost are subject to a tree preservation order. The trees to be removed include 6 category B trees. All other trees to be removed have a lower rating than this including 5 trees with a U rating which means they should be removed regardless of the development proposal. A tree protection plan, to protect the 5 trees to be retained during construction, has been submitted as part of the application. This has been agreed with the Council's Tree Protection Officer and should be secured by condition on any permission.
28. The proposal would involve the planting of replacement trees at a ratio of 1 for 1. Mature tree planting is proposed within the landscaped buffer along the site frontage which would enhance the existing streetscene. Some further on-site tree planting is also proposed within the podium communal gardens and other terraces. The remaining replacement trees would be planted within the street and the applicant has agreed a contribution to cover the cost and initial maintenance of these trees. In general, the Council's Tree Protection Officer is supportive of the proposals as the replacement trees would be of a better quality than those existing trees being replaced. The proposed on site tree planting should be secured by way of a condition placed on any permission.

RESIDENTIAL QUALITY

29. All of the proposed units would meet the minimum internal space standards set in the Mayors Housing SPG 2012. All units would have sufficient forms of outlook and light to habitable rooms and would be stacked appropriately so as to avoid unreasonable noise transmission between units. Amenity space is provided through a combination of private balconies/terraces and communal gardens and spaces. Each unit would have some form of private amenity space in the form of a balcony/terrace or garden. The communal landscaped podium at first floor level would have an area of 200sqm. The overall amenity provision for the site equates to 26sqm per unit which is considered appropriate within guidance set out in SPG17.

IMPACT ON ADJOINING SITES

EBONY COURT

30. The closest residential properties would be those within Ebony Court, located to the north of the application site. The applicant has provided a daylight & sunlight report which assess the impact of the proposed development on Ebony Court. This finds that only three windows within Ebony Court would be affected in any way by the proposed development and that the on the light to these windows would not be notable, as defined by the BRE standards on daylight and sunlight. The proposed podium communal space would be located in excess of 20m from the nearest balcony to Ebony Court complying with the guidance in SPG17 in terms of privacy. Other residential properties are further from the site and it is not considered there would be any particular adverse impacts on the outlook, light or privacy of any other residential properties.

MAGISTRATES COURT

31. Although not in residential use the Magistrates Court is clearly a sensitive use, and any impact of the proposed development on the operation of the court needs to be given careful consideration.
32. In terms of potential overlooking towards the court, the main area of concern, highlighted in the representation received from the MOJ, are the upper floor windows and terraces to the eastern elevation. It is noted that these windows serve either bathrooms or kitchens as a secondary form of outlook. As such, any potential overlooking from these windows can be appropriately over come through a condition requiring obscured glazing and high level opening only. The terraces along this side of the building generally provide outlook towards the south and therefore it is considered that any overlooking towards the east can be overcome through the provision of suitable screening to the side of these balconies. Further details of screening can be secured through conditions.
33. Concerns have been raised with regards to the potential increase in traffic generated by the proposed development and the potential to affect access to the court. The proposed development provides 15 car-parking spaces in total which according the submitted transport assessment would on average result in 2 arrivals/4 departures in the am peak hour (8-9am) and 2 arrivals/1 departure in the pm peak hour. This level of trip generation is not considered to result in a significant increase in traffic to the point that it would affect access to the court.

34. Officers acknowledge that during construction the traffic impact from the site may increase. As such, it is recommended that any permission include a condition requiring a construction management plan to be submitted that include measures to minimise any traffic impact during construction.
35. Concerns have been raised regarding the potential noise impact, during the construction phase of the development, on the operation of the court. The MOJ have suggested that any noisy operations should not be carried out when the court is in operation during the day. Whilst the potential impact of noise on the operation of the court is understood it is not considered reasonable to restrict all noisy operations during the day as to do so would mean they would need to be carried out at night which could give rise to unreasonable noise disturbance to residents. Whilst some disturbance from construction works is inevitable efforts should be made to keep disturbance to a minimum and officer recommend that any permission be subject to a s106 agreement requiring the developer to join and adhere to the considerate constructors programme. This would ensure that noise issues are mitigated so far as is practical and would also provide an identified source of mediation should noise disturbance issues arise.

TRANSPORTATION

PARKING

36. Under the Council's maximum parking standards the development could be permitted a total of 59 spaces. The proposal would provide 15 parking spaces located in an undercroft parking area accessed from Neasden Lane which would accord with the Council's normal standards in terms of preventing excessive parking which would inappropriately contribute to traffic and environmental issues. 7 parking spaces would be allocated to the affordable housing, 7 parking spaces would be allocated to the market housing and one enlarged space would be allocated to the commercial space for parking and/or servicing.
37. However, given the low level of parking proposed consideration also needs to be given to the potential impact of any overspill parking on traffic flow and highway safety. To mitigate this, it is recommended that, any permission be subject to the right of future residents to on-street parking permits be withdrawn through a s106 'permit-free agreement. Although the level of public transport accessibility level (PTAL 3) is not currently high enough to support a wholly car-free development, with no parking at all, in this particular case a 'permit free development with a limited amount of parking is supported by the Council's Transportation officers as there are long standing proposals to extend further bus routes into the area to support the proposed growth and regeneration of the Church End area. However, these proposal rely upon an appropriate level of growth being provided up front to ensure that these additional services are viable. These proposals, once implemented, would increase the future PTAL rating to at least 4, the level that would normally be required for a permit-free agreement to be supported. Notwithstanding the issue of accessibility to public transport, the presence of a CPZ does allow a car-free agreement to be enforced in the meantime.
38. Given the exceptional circumstances for supporting a permit-free agreement in this particular case, the applicant has agreed to offer support towards introducing a Car Club into the area, including the provision of free/subsidised membership and driving credits for future residents for the first two years and undertaking of marketing amongst residents. With the other committed development schemes nearby, particularly on the Church End car park, the provision of an on-street Car Club bay(s) opposite the magistrates court or along Church Road would be ideally suited to serve all proposed developments.
39. Five of the proposed off-street parking spaces are shown widened and marked as disabled parking spaces with adequate headroom to allow access by high-top conversion vehicles, ensuring that 10% of the flats can be designated as wheelchair units with allocated parking spaces. 3 disabled parking bays are allocated to the affordable housing and 2 disabled parking bays are allocated to the market housing.
40. Three (20%) of the spaces (including one disabled parking bay) will be provided with access to electric vehicle charging points which accords with the London Plan standards.

SERVICING & ACCESS

41. Servicing requirements for the proposed commercial unit are set out in standard PS19 of the adopted UDP. With a floor area of under 100m², the unit would require servicing by a transit sized vehicle. As discussed above, parking space 15 has been designed to be suitable for dual use as a parking space but also a transit sized servicing bay. There is direct access from the servicing area to the rear of the commercial unit.

42. Adequate refuse storage for the flats and commercial unit (12 Eurobins in total) is proposed within a store at the front of the building. At 11m the distance of the store from Neasden Lane marginally exceeds the usual maximum refuse carrying distance for Brent's refuse collection staff of 10m. However, given the importance of ensuring the building is well set back from the street this marginal increase in carry distance is considered acceptable within the context of the current application. Fire access requirements are met directly from Neasden Lane.
43. The proposed vehicular access has been designed to allow a two way flow of traffic into and out of the site and pedestrian footpaths are provided on either side of this. In general, the design of the access complies with the Council's technical highways requirements. The proposed boundary treatment will need to be designed to allow sufficient visibility splays. However, these details are likely to be secured by condition should permission be granted.

RESPONSE TO CONSULTATION

44. The table below sets out officers responses to the issues that have been raised during consultation on the application.

Issue	Officers response
The proposal would harm the value of nearby properties.	The impact of the proposed development on residential values cannot be anticipated. In any case, "The Planning System: General Principles" at paragraph 29 states that <i>"The basic question is not whether owners and occupiers would experience financial or other loss from a particular development but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest."</i>
TfL should be asked to provide further bus routes to support the growth in Church End.	See para 35
The proposed development should take the opportunity to improve sight-lines and visibility along Neasden Lane.	The proposed development would introduce a lower and more permeable boundary treatment that the existing improving sight lines and visibility.
Chapel Close and Chantry Crescent are not in a CPZ. Funding should be provided for consultation to include these streets in a CPZ.	Whilst it is acknowledged that Chapel Close and Chantry Close are omitted from the wider CPZ, should residents have concerns regarding parking conditions then they should direct these concerns to the Council's Transportation Unit. It is noted that other 'permit-free' developments closer to these roads have been permitted without contributions towards consultation.
There is likely to be limited demand for the commercial space, accessible residential might be more appropriate.	The commercial space would be secured on the basis of affordable rents and therefore it would be more attractive to potential occupiers.
Affordable housing should be provided as social rent levels rather than affordable rent levels.	There is no policy support for requiring social rents as opposed to affordable rents across the scheme. However, the proposal would secure target/social rents on the larger 3 and 4 bedroom units to ensure that these are affordable to families.
There is an opportunity for the drainage on the corner of the junction to be improved.	The development will be required, through a s106 agreement, to meet level 4 of the Code for Sustainable Homes. To meet this target a mandatory requirement is to ensure that surface water run off rates post construction are no greater than pre-construction. As the development would not place additional pressure on existing drainage infrastructure a contribution from the development towards addressing existing failures would not be justified.

The existing vicarage will need to be replaced locally and this might be on the car-park next to the church hall on Neasden Lane. This may increase car-parking problems	Permission has been granted to replace the vicarage within the grounds of the parish hall. The adjacent car-park would be unaffected.
It is hoped that there will be affordable and social housing in the scheme.	See paras 7-9
Consideration should be given to the proposals for the Church End car-park site when considering the impact of the current scheme on the environment and sight lines.	Reference is made throughout the report to the car-park site proposals and Members will be aware of these proposals when considering the current application.
The proposed development could have an adverse impact on the operation of the Magistrates Court	See paras 29-33

RECOMMENDATION: Grant Consent subject to Legal agreement

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

NPPF

The London Plan (as amended 2013)

Brent Core Strategy 2010

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17:- Design Guide For New Development

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

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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 drawings and documents:-

Plans

NDL/P13/01 Location Plan

NDL/P13/02A Topographic Survey

NDL/P13/03 Context Plan

NDL/P13/04A Site Layout and Ground Floor Plan

NDL/P13/05A First Floor Plan

NDL/P13/06A Second Floor Plan

NDL/P13/07A Third Floor Plan

NDL/P13/08 Fourth Floor Plan
NDL/P13/09 Fifth Floor Plan
NDL/P13/12 Cross Section AA
NDL/P13/13 West Elevation to Neasden Lane
NDL/P13/14 South Elevation to High Road
NDL/P13/15 North Elevation
NDL/P13/16 East Elevation Facing Magistrates Court

Documents

Accommodation Schedule dated 28.01.2015 by PAC Design;
CGI Image 1 View from south
CGI Image 1 View from south (with landscaping ghosted)
CGI Image 2 View from south east
CGI Image 2 View from south east (with landscaping ghosted)
Air Quality Report by Air Quality Consultants;
Arboricultural Report by AP Arboriculture;
Archaeology Report by Pre Construct Archaeology;
Design & Access Statement by Landmark Landscape Planning;
Financial Viability Appraisal by Affordable 106;
Heritage Statement by Morse Heritage;
Noise Report by DKN Acoustics;
Sunlight, Daylight & Overshadowing Report by Herrington Consulting;
Sustainability Statement by Maven Sustainability;
Transport Statement by Dermot McCaffery Highway and Transport Consultants;
Planning Statement by Maven Plan Limited.

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

- (3) The development shall be carried out in full accordance with the procedures set out in the Arboricultural Method Statement contained in Arboricultural Report by APArboriculture, dated 27th October 2014, which formed part of the planning application.

Reason: To ensure that those trees to be retained on site are not harmed during construction or demolition works on site.

- (4) The parking spaces (including electric charging points) and servicing bays shown on the approved plans shall be constructed prior to the occupation of any part of the development, hereby approved, and shall be permanently retained and used solely in connection with the development hereby approved. Those parking spaces numbered 1 to 7 on the approved plans shall be made available for occupiers of the affordable housing provided within the development.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (5) The existing vehicular crossover to 450 High Road shall be reinstated to footpath with kerb and channel prior to the occupation of any part of the development hereby approved.

Reason: In the interests of highway and pedestrian safety.

- (6) The windows on the eastern elevation that serve units 11, 18, 28, 38, and 45, as indicated on the approved plans, shall be treated with obscured glazing and any opening shall be at high level (not less than 1.7m above the internal floor level). The windows shall be retained in this condition for the lifetime of the development.

Reason: To prevent overlooking of the adjacent Magistrates Court that could be harmful to the operation of court.

- (7) Further details of screening to the eastern elevation of the terrace and balconies that serve units 11, 18, 28, 38, and 45, as indicated on the approved plans, shall be submitted to an approved in writing by the Local Planning Authority. The approved details shall be

implemented prior to occupation of units 11, 18, 28, 38 and 45, as indicated on the approved plans.

Reason: To prevent overlooking of the adjacent Magistrates Court that could be harmful to the operation of court.

- (8) 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 development shall be carried out in accordance with the approved details.

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

- (9) Notwithstanding any details of landscape works referred to on the approved plans, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

(b) proposed walls and fences indicating materials and heights;

(c) screen planting along the eastern boundary;

(d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(e) existing contours and any proposed alteration to ground levels such as earth mounding;

(f) provision for the satisfactory screening of terraces

(g) areas of hard landscape works and proposed materials;

(h) details of the proposed arrangements for the maintenance of the landscape works.

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.

- (10) Prior to the commencement of any demolition or construction works on site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Construction Management plan shall include the following details of measures to mitigate the impact of demolition and construction works on the local highway conditions and the local environment, in terms of noise, vibration and dust. The development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To ensure that the impact of any demolition and construction works on the locality is reasonable.

- (11) i) Prior to the commencement of the development, a Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The submitted Site Investigation report be produced in accordance with the principles of BS 10175:2011 and shall include details of a site visit carried out by competent persons to determine the nature and extent of any soil contamination present on the site and the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. The Site Investigation Report shall include an appraisal of remediation options

should any contamination be found that presents an unacceptable risk to any identified receptors and confirm the proposed remediation measures to be implement, including a timeframe for implementation.

ii) Any soil contamination remediation measures required by the approved Site Investigation report shall be carried out in full accordance with the details contain in the Site Investigation Report . Prior to the occupation of any part of the development, hereby approved, a verification report stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use shall be submitted to an approved in writing by the Local Planning Authority.

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

- (12) Prior to the commencement of the development, hereby approved, further details of a mechanical ventilation system to serve the residential units on the ground and first floor shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be maintained as such.

Reason: To ensure adequate air quality for occupiers of units on the ground and first floor of the development.

- (13) Prior to the operation of the boiler installed within the development, save for any testing required for the purposes of discharging this condition, a report detailing tests that confirm that the boiler meets the emissions standards, as detailed in the Air Quality Impact Assessment, dated 29th October 2014, shall be submitted to and approved in writing by the Local Planning Authority. The boiler shall be maintained thereafter to ensure that these emissions standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (14) Prior to the operation of the combined heat and power unit installed within the development, save for any testing required for the purposes of discharging this condition, a report detailing tests that confirm that the combined heat and power unit meets the emissions standards, as detailed in the Air Quality Impact Assessment, dated 29th October 2014, shall be submitted to and approved in writing by the Local Planning Authority. The combined heat and power unit shall be maintained thereafter to ensure that these emissions standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (15) Prior to the occupation of the residential units hereby approved, further details of a test carried out in accordance with BS8233:2014'Guidance on sound insulation and noise reduction for buildings to attain that the following noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Daytime Noise 07:00 – 23:00	Outdoor Amenity	55 dB LAeq (1hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Reason: To obtain required sound insulation and prevent noise nuisance

- (16) Prior to the occupation of the development hereby approved, further detail of a test undertaken in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas' to ensure that 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 shall be submitted to an approved in writing by the Local Planning

Authority.

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

- (17) Prior to the commencement of the development a programme of archaeological investigation work shall be submitted to and approved in writing by the Local Planning Authority. The approved archaeological investigation work shall be carried out in full accordance with the approved details.

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.

- (18) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that piling does not damage subsurface water infrastructure.

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
- (2) The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- (3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

REFERENCE DOCUMENTS:

The following extracts are some of the submitted plans. All submitted details can be viewed on the Council's website www.brent.gov.uk by searching with the application reference.

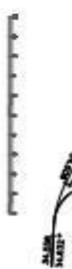
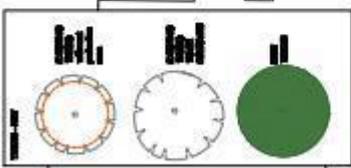


St. Marys Visitation
58 Mountain Lane, Wilmette, IL

**SITE LAYOUT AND
GROUND FLOOR PLAN**

Scale 1/2" = 1'-0"

Drawing No. **ILD/P53/01**
Apr. 1



ALAN HARRIS ARCHITECTS





Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231