

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

18 January, 2017

16/4565

SITE INFORMATION

RECEIVED: 19 October, 2016

WARD: Queens Park

PLANNING AREA: Brent Connects Kilburn

LOCATION: 750 - 756 Harrow Road, London, NW10 5LE

PROPOSAL: Demolition of the existing buildings on site and redevelopment for a mixed use development comprising two buildings of 5 storey (plus basement) and 2 storeys, to provide 17 residential (Class C3) units and 461sqm (GIA) of commercial (Class B1) floor space over ground and basement levels. Ancillary residential space is provided at ground and basement levels, and includes residents' amenity space, cycle and refuse stores, and enclosed plant. A separate commercial refuse store and cycle store are provided at ground floor level.

APPLICANT: Vabel 750-756 HR LLP

CONTACT: Rolfe Judd Planning

PLAN NO'S: See condition 2

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_130796

[When viewing this as an Hard Copy](#)

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/4565" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

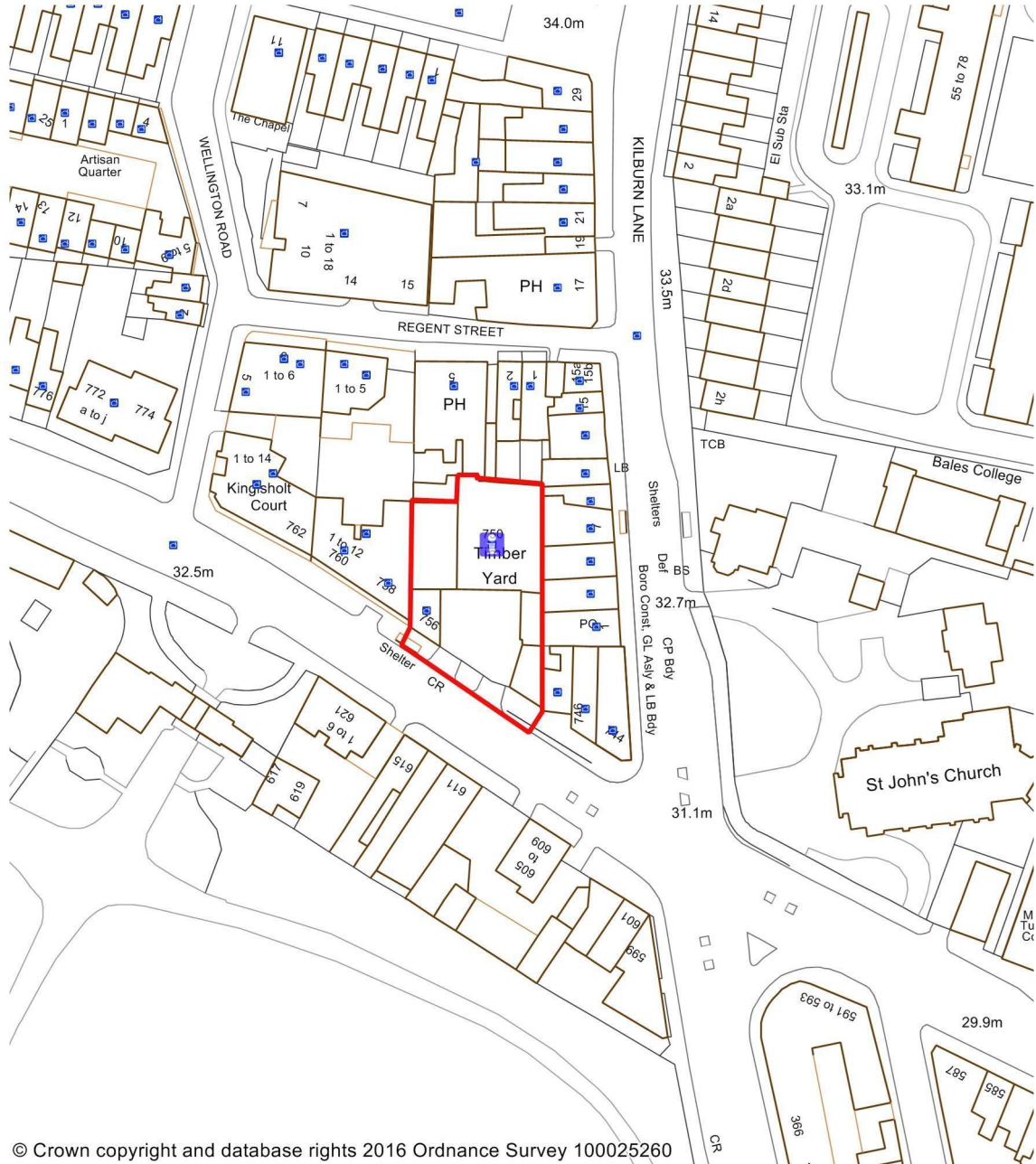
SITE MAP



Planning Committee Map

Site address: 750 - 756 Harrow Road, London, NW10 5LE

© Crown copyright and database rights 2011 Ordnance Survey 100025260



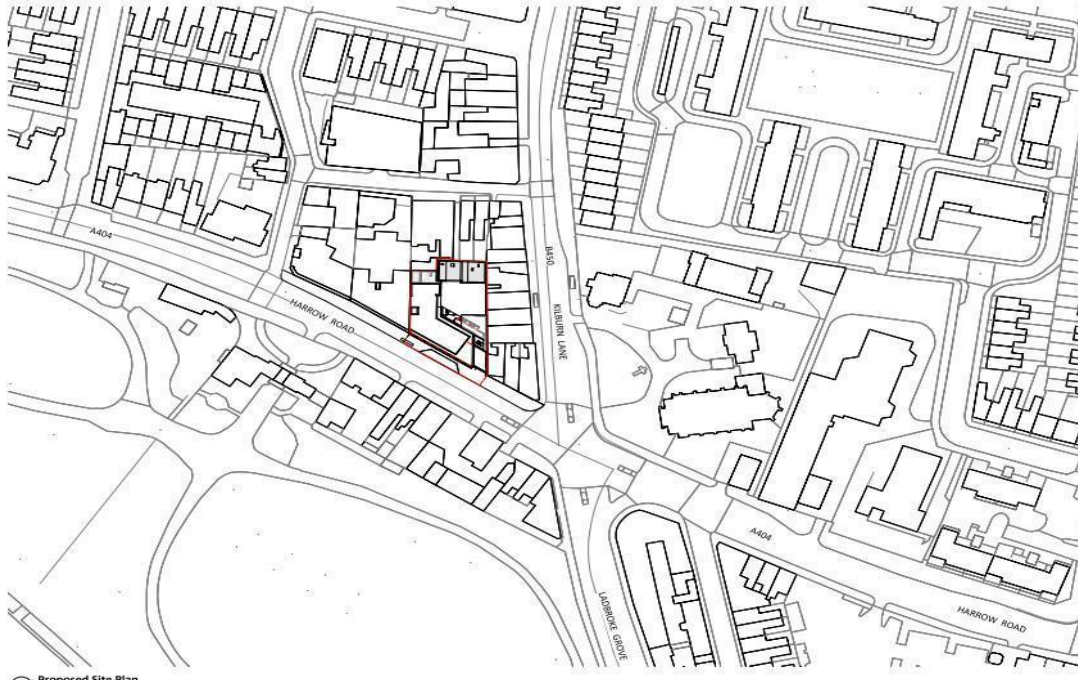
© Crown copyright and database rights 2016 Ordnance Survey 100025260

This map is indicative only.

SELECTED SITE PLANS

SELECTED SITE PLANS

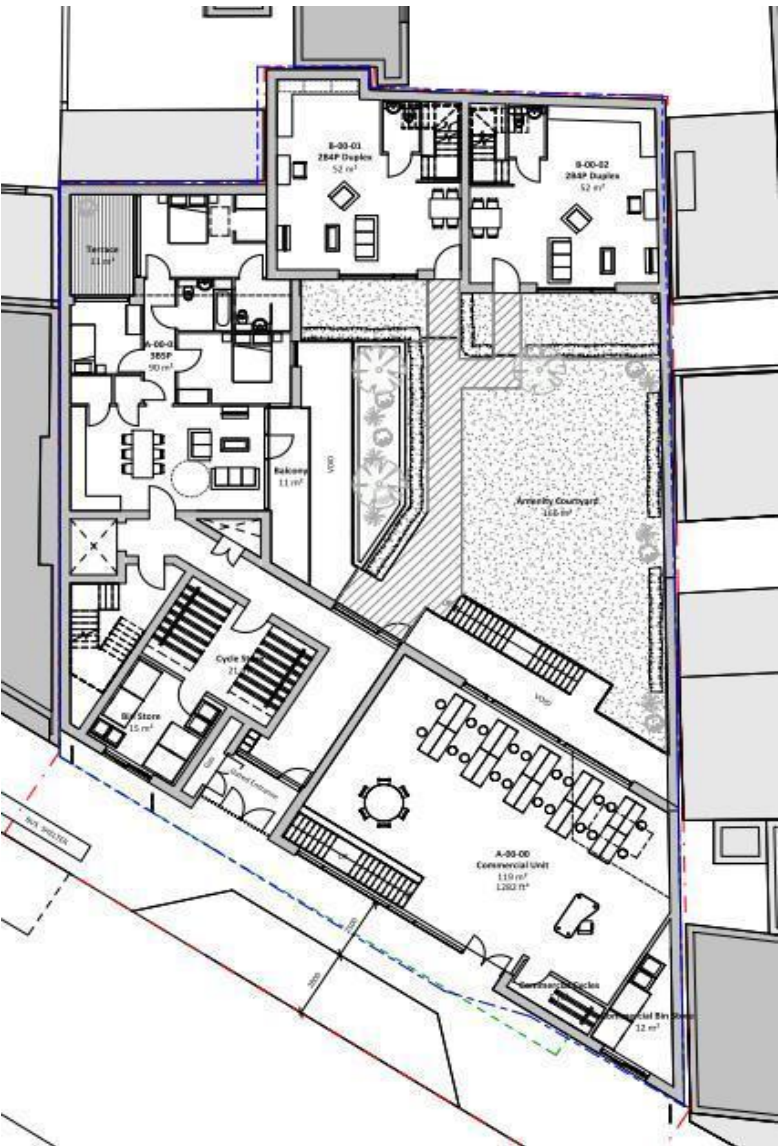
Site Location Plan



Basement Proposed



Ground Floor proposed



First floor proposed



Second floor proposed



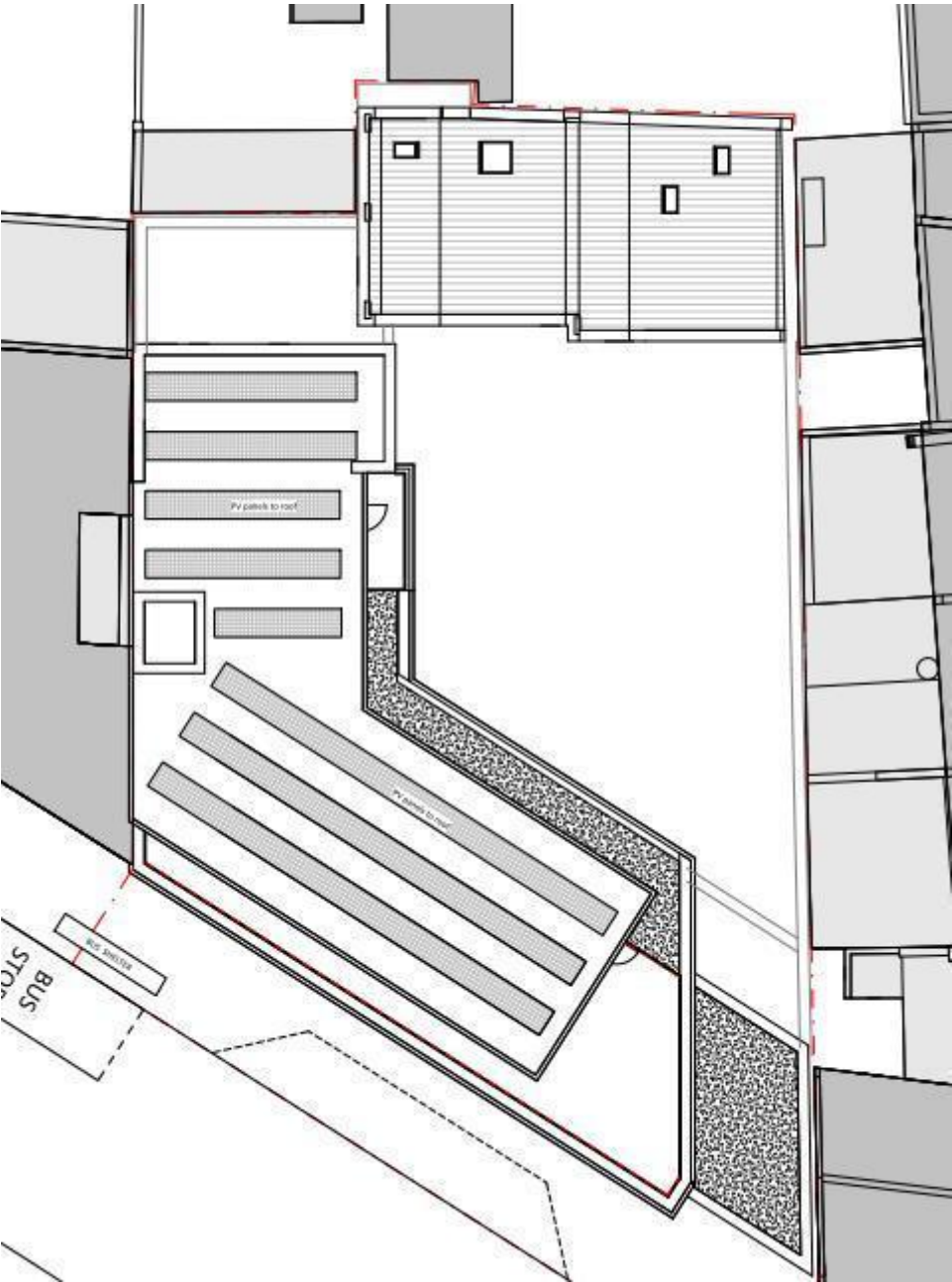
Third Floor Proposed



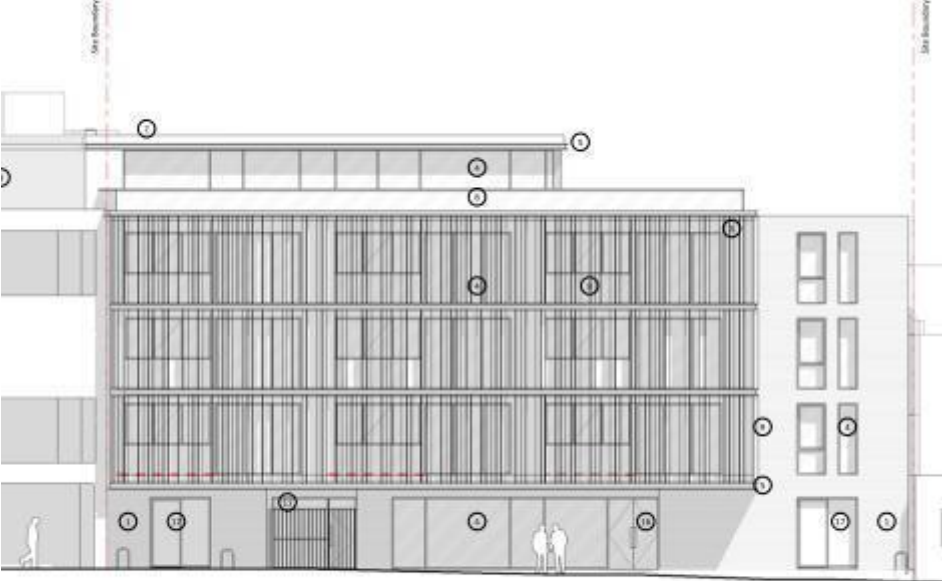
Fourth floor proposed



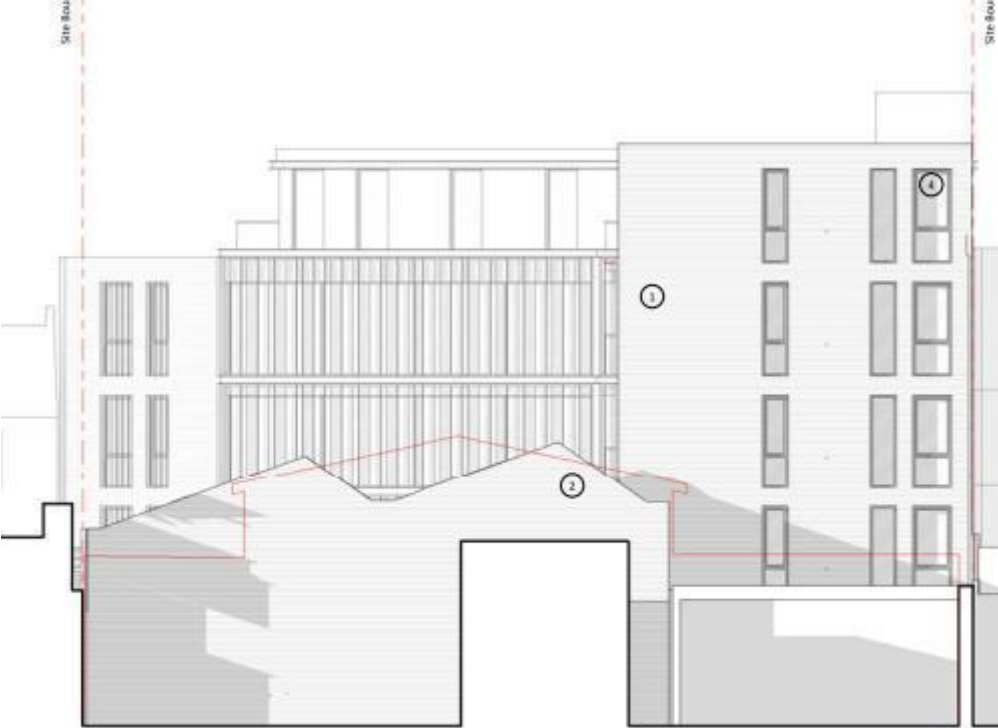
Roof Plan



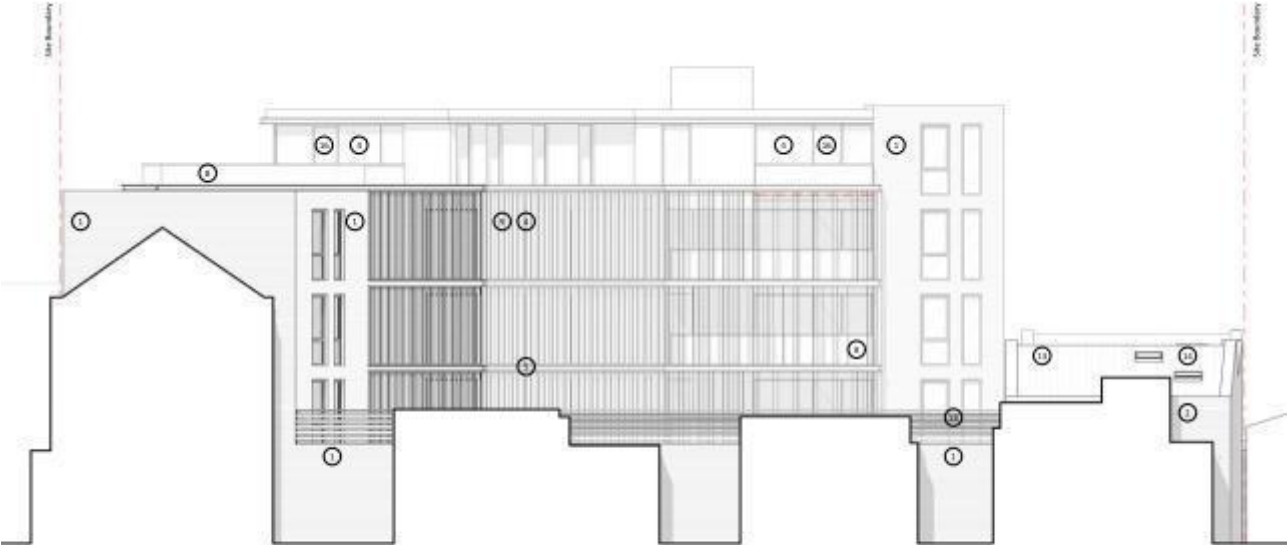
Front Elevation (Harrow Road)



Rear Elevation (from Regent Street)



Side Elevation (east from Kilburn Lane)



Courtyard Elevation - Mews buildings



RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

- a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- b) Notice of commencement within 28 days of a material operation.
- c) Post implementation viability review mechanism whereby a re-appraisal shall be carried out upon the sale of 50% of the dwellings or 6 months prior to practical completion of the development, whichever event is earliest. The re-appraisal shall examine actual values and costs to be provided by the developer on an open book basis, but maintain land acquisition costs at £2.3 million, developer profit at 19% of GDV, professional fees at 12% of construction costs, and finance costs at 6.75%, in order to calculate any development surplus. Half of any surplus shall be paid to the Council as an Off-Site Affordable Housing Contribution ring-fenced for the delivery or enablement of affordable housing elsewhere in the borough, with any such Contribution capped at a sum commensurate with the delivery of 50% affordable housing on site.
- d) The undertaking of works in the public highway through S38/S278 of the Highways Act 1980 to include: widening of the public highway and construction of a 2.8m wide loading bay on the existing footway with a 2.5m footway to the rear along the site frontage, including removal of existing footway crossovers to the site and associated amendments to Traffic Regulation Orders, together with all associated works to statutory undertakers' equipment in the highway and ancillary and accommodation works, to the satisfaction of the Local Highway Authority, prior to occupation of the development.
- e) Energy Strategy – standard obligation to achieve 35% reduction on Building Reg 2013 target

emissions rates or pay carbon offset contribution

- f) Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Materials
4. Landscaping
5. Construction & Environmental Management Plan
6. Internal noise levels
7. Plant noise levels
8. Water efficiency
9. Cycle provision
10. Drainage works SUDS
11. Extract ventilation details
12. Site investigation
13. Contamination verification report
14. Air Quality
15. Car free

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

That, if by 18 July 2017 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

A) PROPOSAL

The application proposes the demolition of the existing buildings on site and redevelopment for a mixed use development comprising of two buildings consisting of a 5 storey (plus basement) and 2 storey building, to provide 17 residential (Class C3) units and 461sqm (GIA) of commercial (Class B1) floor space over ground and basement levels. Ancillary residential space is provided at ground and basement levels, and includes residents' amenity space, cycle and refuse stores, and enclosed plant. A separate commercial refuse store and cycle store are provided at ground floor level.

B) EXISTING

The site is located on the northern side of Harrow Road, close to the intersection with Ladbroke Grove. The site is a local employment site; most recently used in relation to digital processing but is currently untenanted. The former offices (Class B1a) on the upper floor of the main building and a section of the ground floor have been changed to residential uses under the prior approval route. The ground floor flat consists of a one bed roomed unit with a gross internal area (GIA) of approximately 30 sqm which is considerably undersized when applying minimum size standards where a one bed roomed flat is required to be 50 sqm. The unit is located on the eastern side of the site with single aspect windows overlooking the existing forecourt area. The other flat is located on the first floor of the central building in the site. This unit consists of a two bed flat with a GIA of approximately sqm which is again undersized when applying minimum size standards. Although there are windows located on the side elevation the first floor flat have relatively poor levels of outlook as the windows are quite small as they were not designed for residential purposes when originally constructed. The buildings on site currently range from one to three storeys in height. A gated vehicular access to the site is

provided to the existing car park and is located centrally along the Harrow Road frontage. Two apartment blocks are located immediately to the west of the site with heights of four and five storeys respectively. The buildings located to the east of the site on Kilburn Lane generally consist of shops at ground floor with some residential uses above and have heights of two to three storeys. The buildings to the north of the site on Regent Street consists of single storey dwellings and a restaurant/pub and four storey apartment buildings that are more recent additions.

C) AMENDMENTS SINCE SUBMISSION

Minor amendments to the bedroom windows of the first, second and third floor flats have been submitted to overcome concerns with overlooking and poor outlook.

D) SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

- a) The principle of the development regarding the loss of employment land and the residential units proposed.
- b) The level of affordable housing proposed.
- c) The design and scale of the proposal in terms of its impact on the existing townscape.
- d) The impact of the development on neighbouring amenity.
- e) The quality of the proposed residential accommodation.
- f) The transport impacts of the proposal including parking and access.

RELEVANT SITE HISTORY

15/2653 – REF

Demolition of the existing buildings and erection of two buildings of 5 and 2 storeys in height with a basement level, to provide a mixed development comprising 17 residential units (2x3 bed, 9x2 bed, 6x1 bed) and 499sqm (GEA) of flexible commercial (Class B1, Class A3 or Class D1) floor space over ground and basement level with associated cycle parking, refuse stores, amenity space, enclosed plant and reinstate footway to the front (car free development)

14/4143 - GTD

Prior approval for change of use from office (Use Class B1) to residential (Use Class C3) to provide one self-contained two bedroom flat (first floor)

1/4144 - GTD

Prior approval for change of use from office (Use Class B1) to residential (Use Class C3) (ground floor office)

05/2965 – GTD

Conversion of first and second floor to flat (frontage building at western side of site)

03/3286 – GTD

Single-storey infill extension between two buildings east of site

00/2797 – GTD

Change of use from timber yard/workshop/storage, ancillary offices, two retail units to photographic studio and processing with retention of offices and two retail units and alterations to the shopfronts

93/1899 – REF

CHANGE OF USE FROM BUILDERS YARD TO PUBLIC HOUSE (USE CLASS A3) WITH ANCILLARY OFF-LICENCE AND SEA-FOOD SHOP. (AMPLIFIED BY PLANS RECEIVED ON 30 MARCH 1994).

87/2572 – GTD

EREC OF 2/STOREY BLDG FOR WORKSHOP/ STORAGE

CONSULTATIONS

Consultation period: 25/10/2016 – 15/11/2016

127 neighbouring properties were consulted. To date six representations have been received that raised the following concerns:

Objection	Response or paragraph in report
Parking	The proposal will be car-free. Further comments with regard to parking can be found in paragraph 7.1
Loss of light	See paragraph
Loss of privacy	See paragraph
Length of time of building works	Whilst it is acknowledged that there will be disturbance during construction this is covered by Environmental legislation and is not a material planning consideration in this case.
Overdevelopment of the site	See section 4
Projection of front aspect of the building to the rear and impact on neighbouring property	See paragraph 5.3.3
Increase in height of boundary on eastern side	See paragraph 5.3
Increase in height and massing	See paragraph 4.3
Impact of height from mews building	See paragraph 5.3.2 and section 5.4
Loss of outlook from Kilburn Lane	See paragraph 5.3
The development would be out of proportion with the surrounding area.	See paragraph 4.3

Ward Councillors notified - one objection was received that has raised concerns about parking. This will be addressed in paragraph 7.1 of the report.

Site notice erected – 27/10/2016

Press notice issued – 03/11/2016

Kensal Triangle Residents Association – no objections

Internal Consultation

Transport & Highways – no objections

Environmental Health – no objections

Planning Policy – no objections

Affordable Housing Development – no objections

POLICY CONSIDERATIONS

NPPF 2012

London Plan consolidated with alterations since 2011 (March 2016)

3.5 Quality and Design of Housing Developments

3.10 Definition of Affordable Housing

3.11 Affordable Housing Targets

3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

3.13 Affordable Housing Thresholds

5.2 Minimising carbon dioxide emissions

5.3 Sustainable Design and Construction

Core Strategy 2012

CP 1 Spatial Development Strategy

CP2 Population and Housing Growth

CP17 Protecting and Enhancing the Suburban Character of Brent

CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 A Balanced Housing Stock

Development Management Policies 2016

DMP1 Development Management General Policy

DMP2 Supporting Strong Centres

DMP 11 Forming an Access on to a Road

DMP 12 Parking

DMP 14 Employment Sites

DMP 15 Affordable Housing

DMP 18 Dwelling Size and Residential Outbuildings

DMP 19 Residential Amenity Space

Supplementary Planning Guidance

DETAILED CONSIDERATIONS

1. Background and Context

1.1 Application 15/2653 for the demolition of the existing buildings and erection of two buildings of 5 and 2 storeys in height with a basement level, to provide a mixed development comprising 17 residential units (2x3 bed, 9x2 bed, 6x1 bed) and 499sqm (GEA) of flexible commercial (Class B1, Class A3 or Class D1) floor space over ground and basement level with associated cycle parking, refuse stores, amenity space, enclosed plant and reinstate footway to the front (car free development) was refused for the following reasons:

1. *The proposal has failed to demonstrate the adequate replacement of existing employment floorspace or that the continued use of the site for employment purposes is unviable and in the absence of such evidence it would result in the unacceptable loss of a Local Employment Site contrary to saved policy EMP9 of Brent's UDP 2004, the Employment Land Demand study, policy 4.4 of the London Plan 2015 (Further Alterations) and the NPPF.*
2. *In the absence of any revised affordable housing offer or development appraisal from the applicant, the proposal fails to set out any specific affordable housing offer or justification thereof, and as such fails to demonstrate that the maximum reasonable amount of affordable housing will be achieved failing to comply with policy CP2 of Brent's Core Strategy and 3.12 and 3.13 of The London Plan 2015 (Further Alterations).*
3. *By reason of its bulk, massing, height and proximity to the site boundaries, habitable room windows and neighbouring amenity space, the proposal has failed to respond to the constraints of the site, and would have a detrimental impact on existing residential amenity, particularly in terms of light and outlook, contrary to policy BE9 of Brent's UDP 2004 and SPG17 Design Guide for New Development.*
4. *The proposed high density and the constrained nature of the site results in a compromised quality of accommodation for future occupiers, including restricted privacy, outlook, light, unit size and amenity space. The communal amenity space is insufficient in size, will receive limited sunlight and has minimal scope for soft landscaping of any significance making its value for recreation and visual amenity limited, contrary to policy BE6 and BE9 of Brent's UDP 2004, SPG17 Design Guide for New Development, the London Plan 2015 (Further Alterations) and the London Housing SPG.*
5. *By reason of the insufficient width of the proposed servicing bay and footpath, the proposal would result in an obstruction of the public highway to the detriment of the free and safe flow of traffic and pedestrians and contrary to policies BE3, TRN3 and TRN34 of the adopted UDP 2004.*

1.2 Application 15/2653 was subsequently appealed to the Planning Inspectorate and is currently the subject of a hearing due to take place in February of this year. The main differences between the previously refused scheme and the current application will be outlined in the relevant sections of this report. Your officers hold the key considerations to be the following:

- Principle
- Affordable Housing
- Design and Scale
- Impact on neighbouring amenity
- Standard of accommodation

- Parking and Access

2. Principle

2.1 In the previously refused scheme officers had concerns with the loss of existing employment floorspace. The applicant failed to provide evidence that the continued use of the site was unviable for employment use or demonstrate that sufficient marketing activity had taken place with an advertising period of only six months from March 2014. The information submitted in support of the application also only related to the shortcomings of the existing building and did not consider the redevelopment of the site for employment uses. As such the proposal was deemed to be contrary to saved UDP (2004) policy EMP9, the Employment Land Demand study, policy 4.4 of the London Plan 2015 (Further Alterations) and the NPPF.

2.2 At the time of the assessment of the application the Development Management Policies (DMP) were in draft form and therefore could not be given significant weight due to the stage of consideration they were at. However since the application was refused the DMP has been fully adopted and policy EMP9 has been superseded by DMP14. Your officers have therefore assessed the proposal against the recently adopted DMP and specifically in terms of the overall principle, DMP14.

2.3 The applicant has submitted revised information to address the reason for refusal from the previous scheme that includes an Employment Land Study and a Design Document to compare the existing and proposed employment space. DMP14 seeks provision of the maximum amount of existing floorspace type where non-employment uses are proposed. The existing floorspace was previously used as a photographic studio (B1a). The proposed use is B1 which your officers considered could reasonably anticipate to be used by a variety of B1 type uses, such as office/studio or potentially small scale production/manufacturing. DMP 14 seeks to maximise the provision of employment space that is viable from a financial perspective.

2.4 With regard to the proposed mix of residential units the application proposes six one bedroomed units, nine two bedroomed units and two three bedroomed or family sized units. Policy CP21 of Brent's Core Strategy 2010 seeks 25% of units in residential developments of ten units or more to be family sized (three bedrooms or more). The proposal only achieves 12% family sized units, so is not policy compliant however your officers have given weight to the fact that overall the proposal will remove two substandard units that were converted under prior approval. One of the flats is located at ground floor level and is only 30 sqm which is smaller than the minimum size required for a studio flat. It also has no private amenity space and limited outlook over the existing forecourt/car park area. The first floor flat is a two bedroomed unit and is only 60 sqm which is again below the required space standard for a two bedroom flat. This unit does not have access to any amenity space and outlook is quite restricted due to the small mature of the windows. The proposed residential units all have access to private amenity space and exceed minimum space standards. As such your officers consider that although the proposed mix is not policy compliant that there are significant planning merits to the proposal and that in this case it can be considered acceptable.

2.5 Your officers have assessed the proposed change of use and residential accommodation in terms of its planning merits. The site has already lost designated employment space from the conversion of the buildings to residential use under prior approval. The proposal would see the basement and ground floor converted to a combined area of 461 sqm of dedicated employment space. This is a considerable amount more than the 381 sqm currently provided and would be built to a much higher specification. Therefore your officers have given considerable weight to the fact that the proposal would have a higher chance of occupation and would contribute to improving the Borough's economic potential. Your officers have also given significant weight to the fact that the proposal would provide an additional 17 units to the Borough's housing stock and would make a more efficient use of a site that is currently being used for substandard residential accommodation. The overall appearance of the site would also be improved significantly in what is considered to be a heavily trafficked and principal route through the Borough.

2.5 Taking these factors into consideration your officers consider that the proposal has a number of critical wider benefits to the Borough and therefore the proposal is acceptable in principle subject to the other relevant material planning considerations set out in this report.

3. Affordable Housing

3.1 London Plan Policies 3.11A, 3.11B and 3.12 require boroughs to maximise affordable housing provision, set an overall target in Local Plans for the amount of affordable housing provision needed over the plan period, and seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes. Brent's Core Strategy Policy CP2 identifies capacity for at least 22,000 homes over the local plan period 2007-2026 and sets a target that 50% of new homes should be affordable. Developers are required to provide development appraisals to demonstrate that each scheme maximises affordable housing output.

3.2 The recently adopted Development Management Policies policy DMP15 – Affordable Housing is also relevant in this case as the applicant has proposed no affordable housing within the current scheme. In the previously refused scheme the applicant originally proposed 19 units including 2 intermediate affordable housing units, with a financial viability assessment submitted in support of the proposal. The scheme was however reduced to 17 units a week before the decision was made in order to address planning and design considerations. Brent is required to evaluate affordable housing appraisals rigorously. BPS Chartered Surveyors were appointed to undertake an independent assessment of the submitted appraisal. BPS disputed the assumed benchmark land or site value and the build costs and concluded that the proposed scheme could reasonably and viably deliver additional affordable housing obligations beyond the proposed 2 affordable intermediate housing units. When the scheme quantum was reduced from 19 to 17 units, the applicant did not submit a revised development appraisal to reflect the reduction in the number of units proposed. As such officers found that the application failed to set out any specific affordable housing offer or justification thereof, which formed a reason for refusal.

3.3 In preparing for their appeal on the refused scheme, and as part of the new application under consideration, the applicant appointed DS2 to refresh their financial viability assessment. BPS Chartered Surveyors again undertook an independent assessment on behalf of the Council. Whilst BPS has disputed a number of assumptions, they do accept that reducing the scheme to 17 units has made it currently unviable to deliver affordable housing obligations. One major factor in this case is that the relatively high benchmark land value of £2.1-2.5m which can be applied to the site due to the existing uses on the site (which include existing residential units) is now spread across fewer units on what is a smaller scheme. BPS does however identify uncertainties with regard to sales values and build costs and recommend that a post implementation viability review is included in the s106 agreement. DMP 15 also requires that appropriate provisions to re-appraise viability be sought on major sites where the proportion of affordable housing agreed is significantly below 50%.

3.4 Officers have therefore agreed a post implementation s106 review mechanism with the applicant, which will re-appraise scheme viability 6 months prior to practical completion against an agreed benchmark land value of £2.3m and profit margin of 19%. Actual achieved scheme revenues and costs will be reviewed, and half of any surplus would be taken as deferred affordable housing planning obligations in the form of a commuted sum ring-fenced for affordable housing to be delivered elsewhere in the borough, capped at a level commensurate with the delivery of 50% affordable housing onsite. Subject to agreement of such s106 review mechanism, Officers recommend that the scheme proposes the maximum reasonable amount of affordable housing in line with planning policy in this case only.

4. Design and Scale

4.1 The scale of the development is considered to be appropriate when the character and context of the surrounding area is taken into account. The area is characterised by a number of tall buildings located to the immediate west and also to the north and north-west of the site. These buildings vary in height from four to six storeys with the building located directly to the west, Kingsholt Court which fronts Harrow Road, being the tallest. The buildings stretching from the corner of Kilburn Lane to Harrow Road have a height of three storeys. The scale of the proposed building at the front of the site will be four storeys adjacent to No.748 Harrow Road, rising to five storeys in total. Your officers consider that the height of four storeys, rising to five, will offer a good degree of transition in terms of the overall scale of the development that will sit comfortably within the street scene. When taking into account the relatively high roof of the row of three storey terraced

properties the proposed increase in height to four storeys will appear as only half a storey higher.

4.2 With regard to the overall design approach taken the applicant has proposed a London stock and white brick with metal louvres as the primary materials on the front elevation. Your officers consider that the choice of materials will offer a good contrast to the mostly rendered building to the west of the site and the more traditional brick buildings to the east and north along Kilburn Lane. Your officers' recommend that a condition be attached requiring further details of the proposed materials to be submitted prior to above ground construction works taking place.

4.3 Concerns have been raised by objectors about the scale and massing of the proposal however when the context of the surrounding area is taken into consideration and the varying scale of buildings, the proposal would be level if not lower in height than the existing neighbouring buildings to the west. The area is characterised by buildings of various heights which has changed the context and character of this area through contemporary design and infill development and this proposal would not materially harm this character.

5. Impact on neighbouring amenity

5.1 In the previously refused application officers found that the proposal only partially complied with the guidance in SPG17 with regard to the relationship between the proposed and existing buildings. This was specifically the case with regard to No.748 Harrow Road and Nos.1 and 3 Kilburn Lane. Since the application was refused the applicant has engaged with the Planning Department in order to reduce the impact on neighbouring residential properties and significantly revised the proposal. Residential properties are found to the east, west and north of the site in the form of Abercorn Place that fronts Harrow Road, the two/three storey properties on Harrow Road/Kilburn Lane and the single storey properties on Regent Street.

5.2 Properties to the west

5.2.1 Your officers have considered the impact of the proposal on the residential properties to the west of the site fronting Harrow Road known as Abercorn Place. Abercorn Place has an existing height of four storeys and the rear building line of the proposed development will finish level with the rear building line of the neighbouring building and not extend past the existing roof terrace. Consideration has also been given to the windows located in the side elevation in a small cut out of the building that is currently visible. The approved plans for this development show that although there are windows contained in this cut out they either serve non habitable rooms such as bathrooms or were approved as obscure glazed secondary windows for kitchen/living rooms with the primary windows overlooking rather Regent Street or Harrow Road. Your officers therefore consider that there would not be a material impact on the amenity of the existing residents in this specific location.

5.3 Properties to the east

5.3.1 The properties to the east of the site consist of 748 Harrow Road and 1 to 15 Kilburn Lane. During the site visit it was noted that there are habitable windows located in the rear of these properties. The existing building on the eastern side of the application site consists of a long single storey building that extends from the front to the rear of the site and is sited directly adjacent to rear of the plots of the properties on Harrow Road and Kilburn Lane. This structure has a width of approximately 4 metres where it adjoins with the existing two storey building that is located in the centre of the site. The proposal would see the complete removal of the existing single storey structure currently located adjacent to the eastern site boundary and the rear of the properties on Kilburn Lane with the exception of the two storey mews buildings located on the northern side of the site. The removal of the single storey structure is due to the inclusion of the communal residential courtyard area at ground floor level. The western side of the site is proposed to be developed to incorporate a five storey residential building with habitable windows looking to the east. Your officers have therefore considered what the potential impact from overlooking and loss of privacy to the rear of the properties on Kilburn Lane. The rear of the building line of the properties of Kilburn Lane is slightly angled in a north-west to south-east direction due to the orientation of Kilburn Lane. With regard to the distance between directly facing habitable room windows SPG17 states that there should be a minimum separation of 20 metres. Your officers have applied this guidance to the proposal and specifically the relationship between the

west of the site and the existing properties to the east and found that there is a separation distance of 20 metres between habitable room windows and 19 metres between the existing windows and the edge of the proposed balcony. Your officers have also given consideration to the increased mass and scale of the development and the potential impact that this would have on the properties on Kilburn Lane. SPG17 contains clear guidance with regard to the size and scale of development in terms of its impact on habitable rooms and also private amenity space/gardens and states that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window and where proposed development adjoins amenity space/garden areas the height should be set below a line of 45 degrees, again measured from a height of 2 metres. The applicant has submitted detailed drawings that have applied the 30 and 45 degree lines to the neighbouring properties and the new development. The two storey mews development to the rear of the site would be located directly on the rear boundary of Nos.7 and 9 Kilburn Lane and would increase the height on the boundary by 1.6 metres for a length of 8 metres. The pitch of the proposed roof would be angled away from the boundary of No.7 and 9 which can be clearly seen on drawing P2-103 which shows compliance with both the 30 and 45 degree line. Drawing P2-104 also shows that the proposed building on the western side of the site also complies with the 30 and 45 degree line. As such your officers consider that this aspect of the proposal would not materially harm the amenity of the residents of Nos.7 and 9 Kilburn Lane.

5.3.2 The siting of the two storey mews building would not be located adjacent to the rear of Nos.1, 3 and 5 Kilburn Lane and therefore would not materially harm the amenity of these residents. However your officers have given consideration to the increase in height on the western side of the site. The 30 and 45 degree lines have been applied to both Nos.3 and 5 Kilburn Lane and show that the proposed five storey building would comply. However in the case of No.1 Kilburn Lane although the increased height slightly fails the 30 degree line taken from the rear habitable room window it is not considered that this would materially harm the amenity of these residents. Louvre screens are also proposed on the walkway areas to the front doors of the flats on the 1st, 2nd and 3rd floors to prevent overlooking to the rear of the properties on Kilburn Lane.

5.3.3 No 748 Harrow Road contains a veterinary surgery at ground floor level however there is a residential unit located in the upper floors with windows on the rear elevation overlooking the application site. A small projection with a window is located approximately 1 metre from the site boundary however this window contains frosted glass and contains a bathroom so is not considered to be habitable. Adjacent to the projection and set at a right angle there is a window that serves a kitchen that is set back from the boundary by 3.4 metres that directly overlooks the application site. Your officers acknowledge that there is a clear conflict here when applying the 30 degree rule. However consideration has been given to the size and use of the kitchen in the context of the residential property. The kitchen has an area of 5.25 sqm and therefore officers consider that realistically this could not be considered as a habitable room that people are going to use other than in the preparation of food. The primary living areas of the property are contained on the eastern side of the property and overlook Harrow Road and Kilburn Lane offering outlook and access to light. The proposed development would not affect the windows of the primary living areas and as such your officers consider that there would not be a material impact on the amenity of the residents of this property due to the size and nature of the kitchen. The resident of this property has raised concerns about the potential loss of light. In response to this the applicant has conducted a daylight/sunlight assessment of the proposal in relation to the windows of this property. The results have found that eight out of the nine habitable room windows are BRE compliant with the one transgression being the kitchen window previously discussed. However the siting of the window at a right angle to the main part of the building already partially restricts access to light. With regard to sunlight as the building is orientated in a slight southerly direction it has been assessed in terms of the BRE guidelines. The results have found that the window already receives low levels of sunlight in the existing situation due to its siting.

5.4 Properties to the north

5.4.1 Your officers have also given consideration to the potential impact that the proposal could have on the amenity of the residents to the north of the site on Regent Street. The back gardens of Nos.1 and 2 Regent Street back on to the site. The existing two storey building has a height of 3.85 metres and is located directly on the shared boundary. The proposed mews building will also be located directly on the shared boundary but will have a staggered pitched roof with a height of 2.6 metres rising to 3.55 metres, and then reducing to 3

metres and increasing back up to 3.8 metres. When viewed from the rear of No.1 Regent Street there would be a slight increase in mass on the left hand side of the building with the height increasing by an average of 0.675 metres due to the pitch of the roof. However the middle of the building would actually decrease in height from 3.85 metres to 3 metres. Whilst your officers acknowledge that there would be a slight failure of the 30 degree rule when viewed from the rear of No.1 Regent Street overall there would be an average reduction in height. When viewed from the rear of No.2 Regent Street there would be an increase in height of only 0.2 metres in comparison to the existing building. The pitch of the proposed roof would also significantly reduce the massing of the centre of the existing building and be an improvement on the current situation. As such your officers consider that there would not be material harm to the amenity of either of these properties.

5.5 Environmental Health officers have assessed the proposal in terms of any potential impacts on neighbouring residents. The applicant has submitted an Air Quality Neutral Calculation and Air Quality Assessment that Environmental Health officers have assessed and are in agreement with in terms of the methodology used and conclusions. Officers have however recommended that a condition be attached to any approval requiring the boiler unit to meet or improve upon the emissions standards and technical details contained in the Air Quality Neutral Calculation and Air Quality Assessment to ensure that standards are maintained. Due to the sites historic industrial use and the age of the building to be demolished officers have recommended that an informative be attached reminding the applicant of their duties under the Control of Asbestos Regulations. In addition to this conditions concerning site investigations and remediation and verification area also recommended to ensure the safe development and secure occupancy of the site.

6. Standard of accommodation

6.1 The application proposes creating 17 units consisting of 2 x 3 beds, 9 x 2 beds and 6 x 1 beds; details of which can be found in the table below:

Unit	Type	Location	Size (sqm)	Technical Housing Standards size (sqm)	Private amenity space
A-00-01	3B5P	Ground Floor	90	86	22
B-00-01	2B4P	GF/1st	101	70	12
B-00-02	2B3P	GF/1st	104	70	15
A-01-01	2B3P	1st	67	61	11
A-01-02	1B2P	1st	55	50	5
A-01-03	1B2P	1st	55	50	5
A-01-04	2B3P	1st	65	61	6
A-02-01	2B3P	2nd	67	61	11
A-02-02	1B2P	2nd	55	50	5
A-02-03	1B2P	2nd	55	50	5
A-02-04	2B3P	2nd	65	61	6
A-03-01	2B3P	3rd	67	61	11
A-03-02	1B2P	3rd	55	50	5
A-03-03	1B2P	3rd	55	50	5
A-03-04	2B3P	3rd	65	61	6
A-04-01	2B3P	4th	68	61	7
A-04-02	3B6P	4th	109	95	48

With regard to the size of the units all of the units exceed the minimum size required as per Brent policy DMP18 and London Plan policy 3.5. Unit B-00-02 is marked as a 2B4P but could only be considered as a 2B3P due to the inclusion of a single sized bedroom. However its size at 104 sqm which significantly exceeds the minimum size required for a 2B4P unit and so could easily accommodate another double bedroom to bring it up to a 2B4P unit.

6.2 DMP policy DMP19 is the relevant policy with regard to residential amenity space and states that normally

residential development is expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats). The ground floor flat would have a combination of an enclosed terrace and terrace to the front of the property giving a total area of 22 sqm. This falls quite significantly below the required amount of 50sqm for a family sized unit at ground floor level. However your officers have given consideration to the fact that the residents will have access to the communal space at ground floor level and also to the fact that overall the proposal will remove substandard accommodation from the site in the form of the two units converted under prior approval. As previously discussed the large building in the centre of the site has been converted to two residential units under prior approval neither of which have access to any amenity space. As such your officers consider that although the proposal does not fully meet the required amount of private amenity space it would be a considerable improvement on the current substandard accommodation.

6.3 The amenity courtyard has been identified on the submitted plans as 166sqm, however this utilises a void area adjacent to the terrace of the 3B5P unit which would reduce the amount of communal space to 150 sqm. The 3B6P unit located at 4th floor level has a terrace with an area of 48 sqm which is 2 metres short of the 50 sqm required and is considered to be acceptable. The remaining flats have a mixture of 5, 6, 7 and 11 sqm balconies. When the amount of communal space is divided up between the 16 flats it would leave residents with approximately 9 sqm of space each. This would take the majority of the 2B3P units up to the required amount of 20 sqm however the 1B2P units would be left below the required amount. However officers have given consideration to the fact that the 1B2P units have approximately 5 to 6 sqm of additional internal space on top of the minimum size standard that is required. Taking this into consideration your officers consider that the combination of the balconies, communal space and additional internal space over the minimum standard required would on balance be acceptable in terms of the amount of amenity space provided.

6.4 With regard to outlook and access to natural light the units on the ground floor would be served by single aspect windows overlooking the courtyard area. Unit A-00-01 which is the 3B5P unit would have two bedrooms that overlook the rear terrace area with distances of 2.4 metres and 4 metres respectively. This is considered to be a poor level of outlook; however officers have given weight to the fact that the two bedrooms are not the primary living area, with residents likely to spend more time in the living area where there are good levels of outlook. Your officers have also given weight to the fact that site is located in a dense, urban area where the built up nature of the site and surrounding area is likely to have an impact on the levels of outlook. Officers also raised concerns with the level of outlook and access to natural light that would be afforded to the single bedrooms on the eastern side of the site, namely units A-01-04, A-02-04 and A-03-04, due to the fact that the bedrooms were served by frosted glass windows. However in response to this the applicant has revised these three bedrooms so that they now have clear glass and also provided louvre screens to ensure privacy is maintained.

7. Parking and Access

7.1 No parking spaces are proposed for either the residential or employment uses. Given the sites location within a Controlled Parking Zone (CPZ) and the PTAL level of 6a this is considered to be acceptable subject to a car free agreement to ensure that overspill parking is minimised, to be secured by condition for the building. An internal storage area has been indicated on the ground floor of the building to accommodate 28 bicycles for the flats within a double-height system, with a further small store for four bicycles shown attached to the office unit. These stores provide adequate secure and covered spaces to satisfy requirements.

7.2 Refuse storage for the flats and for the commercial unit is shown within the building at the front of the site, allowing easy collection from Harrow Road in accordance with the maximum refuse carrying distance for flats of 10m. Sliding doors are indicated, so as not to open outwards over the public highway.

7.3 Appendix 2 of the DMP requires the office to be serviced by 8m rigid Lorries, whilst the residential flats will also require occasional large deliveries of furniture or white goods. The removal of the service yard from the existing site means that there would no longer be any off-street location where service vehicles can stand clear of the highway when unloading. To address this issue, the applicant has proposed the construction of a 2.8m wide, 9.5m long loading bay within the existing footway (enlarged from the lay-by in the previously refused application 15/2653). In order to retain suitable pedestrian access along the street, the ground floor

and basement of the building are now to be set back 1.1m from the existing site boundary, allowing the footway to be widened so as to retain a 2.5m width behind the loading area. Tracking has been provided to demonstrate that the lay-by is accessible to 8m box vans, even when a bus is standing at the bus stop immediately west of the lay-by. A pedestrian survey has also been undertaken to establish the width of footway required to maintain reasonable comfort levels and this demonstrates that a 2.5m width would be sufficient to provide the maximum (A / A+) level of comfort. As such, your officers consider that the proposed design of the lay-by is acceptable in principle.

7.4 As a result of these works a lamp column will need to be re-sited to accommodate the lay-by and detailed lighting assessments will need to be undertaken to ensure street lighting is not compromised. This will be further assessed as part of any detailed highway works submission and associated Safety Audit. The surfacing treatment of the lay-by should also maintain a flush kerb with the footway to the rear, such that it still feels like part of the pedestrian footway when not being used for loading. The existing redundant crossovers will also need to be reinstated to footway as part of any footway works. Any loading bay that is created will also require existing waiting restrictions along this length of Harrow Road to be amended to allow loading to take place at appropriate times. The construction of the loading bay, adoption of the increased footway width and associated changes to the waiting restrictions will need to be undertaken through an Agreement under Sections 38 and 278 of the Highways Act 1980. These works are to be carried out at the applicant's expense and will be secured by a planning obligation within a S106 legal agreement as they are required to make the application acceptable in planning terms. The building is also proposed to oversail the widened footway at upper floor level, providing an acceptable minimum clearance of 2.7m. This will require a licence under S177 of the Highways Act 1980 and therefore your officers recommend that an informative is added to remind the applicant of this obligation and also of the need to repair any damage to the highway.

7.5 A Construction Management Plan (CMP) has been submitted for the development, broadly setting out principles for how the works will be managed over the course of the construction period. The CMP contains details of the proposed working hours which accord with standard working hours for the Borough and information regarding deliveries and loading including details of banksmen to assist vehicles and wheel wash facilities to prevent the accumulation of mud and debris on the highway.

7.6 Further consideration will need to be given to how deliveries will be managed to the site in the latter stages of development which may include footway closures and temporary loading bays and also to the proposed hoardings that will be used to secure the site. These works will need to be finalised with the Highway Authority and your officers therefore recommend an informative reminding the applicant of the need to liaise with the Highway Authority to secure the necessary licences and notices for these works. In addition to this an informative is recommended reminding the applicant that any closure of the footway to accommodate scaffolding, hoardings or a delivery bay will require licensing by Brent Council's Environment & Protection service and may also require a temporary Traffic Management Order.

8. Sustainability Assessment

8.1 London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. All major developments submitted on or after the 1st of October 2016 are required to be Zero Carbon over the 2013 Building Regulations Target Emission Rates. In addition to this London Plan policy 5.3 requires development to achieve the highest standards of sustainable design. Brent Core Strategy policy CP19 requires all development to contribute towards achieving sustainable development and states that major proposals (10 or more dwellings and 1,000m² of floorspace) are expected to meet sustainability targets. Those for residential no longer apply following the Government's withdrawal of the Code for Sustainable Homes however the non-residential target of BREEAM Excellent is expected. The application is supported by an Energy Strategy Report and Sustainability Statement which outlines the strategy to reduce the buildings energy consumption and measures that are to be implemented to achieve the targets.

8.2 In terms of sustainability the report does not contain information on the expected BREEAM rating that the proposal will achieve. A rating of Excellent is normally sought; however the floorspace of the non-residential part of the proposal does not meet the major threshold as set out in Core Strategy policy CP19. Taken together with the residential aspect, the proposal is considered to be a major development due to the number of residential units proposed. However these are no longer triggers for sustainability targets and it would be unreasonable to use those as a means of triggering sustainability targets on non-residential floorspace that

itself does not trigger sustainability targets. Therefore no sustainability targets are required for this development.

8.3 The Energy Strategy Report proposes Be Lean measures through passive design features, the use of energy efficiency measures in order to supply energy efficiently (Be Clean), and low and zero carbon technologies (Be Green) in order to achieve the required carbon emission reductions target. Before deciding upon the aforementioned strategy a number of renewable technologies were investigated for their feasibility on site, including solar thermal collectors, solar photovoltaic panels (PV), CHP, Biomass Heating, wind turbines, Ground Source Heat Pumps and Air Source Heat Pumps. For a number of practical and feasibility reasons CHP, Biomass Heating, wind turbines, Ground Source Heat Pumps and Air Source Heat Pumps have all been discounted. However Solar PV panels could be installed to contribute to the electricity demand of the building. The strategy will achieve a 22.2% improvement in CO2 emissions over Part L 2013 through 'Be Lean, Be Clean, Be Green' measures. London Plan policy 5.2 requires residential developments to be zero carbon and that non-domestic buildings are as per building regulations requirements. Taking this into consideration the proposal would fail to achieve zero carbon however policy 5.2 does state that this shortfall can be provided through a cash in lieu contribution and will be included as part of the s106 agreement to secure the delivery of carbon dioxide savings elsewhere.

9. Conclusion

9.1 Your officers have assessed the proposed change of use and residential accommodation in terms of its planning merits and the material planning considerations set out in this report. The proposal would see the basement and ground floor converted to a combined area of 461 sqm of dedicated employment space that would have a higher chance of occupation and would contribute to improving the Borough's economic potential. Your officers have also given significant weight to the fact that the proposal would provide an additional 17 units to the Borough's housing stock and would make a more efficient use of a site that is currently being used for substandard residential accommodation. Whilst it is acknowledged that there are concerns from neighbouring residential properties the applicant has sought to work with the Local Planning Authority and had reduced the mass of the buildings since the previously refused scheme. Taking these reductions into account your officers are of the opinion that there would not be a material impact on the amenity of neighbouring residents. Taking these factors into consideration the application is recommended for approval subject to suitable conditions and a S106 agreement.

S106 DETAILS

A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) is required to secure a number of planning obligations that are most appropriate to secure as obligations rather than as planning conditions. See 'Recommendation' section for further details.

CIL DETAILS

This application is liable to pay **£325,343.76*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): 707 sq. m.

Total amount of floorspace on completion (G): 2052 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	1591		1042.83382 066277	£200.00	£35.15	£253,259.64	£44,510.38
General business use	461		302.166179 337232	£40.00	£35.15	£14,676.64	£12,897.10

BCIS figure for year in which the charging schedule took effect (Ic) | 224

| 224

BCIS figure for year in which the planning permission was granted (lp)	272	
Total chargeable amount	£267,936.28	£57,407.48

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

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

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



DECISION NOTICE – APPROVAL

Application No: 16/4565

To: Planning
Rolfe Judd Planning
Old Church Court
Claylands Road
London
SW8 1NZ

I refer to your application dated 18/10/2016 proposing the following:
Demolition of the existing buildings on site and redevelopment for a mixed use development comprising two buildings of 5 storey (plus basement) and 2 storeys, to provide 17 residential (Class C3) units and 461sqm (GIA) of commercial (Class B1) floor space over ground and basement levels. Ancillary residential space is provided at ground and basement levels, and includes residents' amenity space, cycle and refuse stores, and enclosed plant. A separate commercial refuse store and cycle store are provided at ground floor level.
and accompanied by plans or documents listed here:
See condition 2
at 750 - 756 Harrow Road, London, NW10 5LE

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

Date:

Signature:

A handwritten signature in black ink that reads "Alice Lester".

Alice Lester
Head of Planning, Transport and Licensing

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

Central Government Guidance

Council's Supplementary Planning Guidance/Documents 17 'Design Guide for New Development' (2002), Supplementary Planning Document – s106 Planning Obligations

Development Management Policies, London Borough of Brent (2016) – adopted 21 November 2016

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

E0-100 P2

E1-100 P2

E1-101 P2

E1-110 P2

E3-101 P2

E3-102 P2

P0-001 P6

P1-099 P6

P1-100 P6

P1-101 P7

P1-102 P7

P1-103 P7

P1-104 P6

P1-105 P6

P2-101 P6

P2-102 P7

P2-103 P6

P2-104 P6

P2-105 P6

P2-106 P6

P2-107 P6

P2-108 P6

P2-109 P6

P2-110 P6

P3-101 P6

P3-102 P6

P3-103 P7

P3-104 P7

P3-111 P7

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

3	Time	Area	Maximum Noise Level
	Daytime Noise 07:00 – 23:00	Living rooms and bedroom Outdoor Amenity	35 dB LAeq (16hr) 55 dB LAeq (1hr)
	Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmax

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

A test shall be carried out prior to the discharge of this condition to show that the required 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

- 4 Any plant together with any associated ancillary equipment shall be installed 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 5dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed prior to the first use of the building to which the plant relates and maintained in accordance with the approved details for the lifetime of the Development

Reason: To protect acceptable local noise levels.

- 5 Prior to the commencement of the use of any part of the approved development the following shall be constructed and permanently marked out:-

- cycle parking numbers as approved

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose/s unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate cycle parking provision in accordance with adopted standards.

- 6 The boiler unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment (RPS Air Quality Neutral Calculation JAP8476 dated 13th October 2016). Prior to the occupation of the development the applicant shall provide details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, and shall maintain the unit thereafter in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality

- 7 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is

situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 8 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

- 9 Before any above ground construction work (excluding demolition) is commenced, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 10 Before any above ground construction work (excluding demolition) is commenced a detailed scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be fully completed prior to occupation of the building(s) or within 12 (twelve) weeks of the commencement of the next planting season. Such a scheme shall include, but is not limited to:-

(a) Details of proposed walls, fencing and other means of enclosure indicating materials and heights

(b) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,

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

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

(e) Details of any balustrade/balcony treatment

(f) Details of areas of hard landscape works and proposed materials

(g) Details of the proposed arrangements for the maintenance of the landscape works.

(h) Details for the provision for outside seating / benches

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

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and, ensure that it enhances the visual amenity of the area and to protect trees in the immediate environment and to retain a mature tree cover around the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 11 Prior to the commencement of the Development, including any preparatory works or demolition works, a detailed Construction and Environmental Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The Development shall be carried out fully in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: Owing to the fact the site is within an Air Quality Management Area and to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- 12 Prior to first occupation of the development hereby approved, confirmation from the Building Control body shall be submitted to the Local Planning Authority to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development.

- 13 Prior to the commencement of relevant drainage works full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface within the development, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason: To ensure the development meets the requirements of London Plan Policy 5.13 Sustainable Drainage.

- 14 Any extract ventilation fan, together with any associated ducting shall be installed so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any extraction plant together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' 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 extraction system shall thereafter be installed prior to the first operation of the A3 use to which the extraction system relates and maintained in accordance with the approved details for the lifetime of the Development

Reason: To safeguard the amenity of the neighbours from the transmission of noise from any future A3 use on site.

- 15 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works, 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.

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

- 16 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full in accordance with the approved remediation works on any Phase. Prior to the occupation of the development a verification report shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that remediation has been carried out in accordance with the approved remediation scheme and the land within the development is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 Given the age of the building(s) to be demolished it is possible that asbestos may be present. Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Environmental Health Officer should be contacted.
- 4 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 5 (a) Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of any piling works in advance of such works.

(b) Thames Water advise that they 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.

(c) The applicant is advised that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."
- 6 The applicant is advised to notify the Council's Highways Service of the intention to

commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.

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