

 **Planning Committee Map**

Site address: Garages rear of 27-34, Oxgate Court, Coles Green Road, London, NW2

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This map is indicative only.

**RECEIVED:** 6 February, 2012

**WARD:** Dollis Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Garages rear of 27-34, Oxgate Court, Coles Green Road, London, NW2

**PROPOSAL:** Demolition of 14 no. existing garages and erection of a residential development of 14 units comprising six no. three-bed dwellinghouses and eight no. two-bed flats and associated means of enclosure and hard and soft landscape to provide 14 car parking spaces, secure cycle storage for 20 bicycles and refuse storage.

**APPLICANT:** GENESIS HOUSING GROUP

**CONTACT:** Stephen Davy Peter Smith Architects Ltd

**PLAN NO'S:**

See condition 2

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## **RECOMMENDATION**

To:

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

## **SECTION 106 DETAILS**

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of 14 units (100%) for Affordable Housing (affordable rent) with the two-bed units at up to 80% market rent and three-bed units at up to 60% market rent
- (c) A contribution £81,600 (£2,400 per affordable bedroom), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Open Space and Sport in the local area.
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4, with compensation should it not be delivered
- (e) Sign up and adhere to the Considerate Contractors Scheme
- (f) Adhering to the Demolition Protocol
- (g) Provision of 20% CO2 emissions reduction from on-site renewable generation
- (h) Improvement of 33% over the Target Emission Rate of Part L of 2010 Building Regulations
- (i) Enter into a Section 38/Section 278 Agreement for highway works at the site boundary and junction works to Crest Road

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

## **EXISTING**

The site is a generally flat vacant plot accessed off Crest Road close to the traffic light-controlled four-way junction with Coles Green Road. At present the site is used for storing scrap vehicles, although this use is unauthorised, and no public access is available. The site is not in a conservation area nor is it listed, though the nearby Oxgate Farm is listed Grade II\*.

The site is bound to the south by the rear boundaries of semi-detached houses on Crest Road and to the west by the rear boundaries of terraced properties on Waterloo Road. These properties are two-storey in height, with generous rear gardens.

The boundary with Waterloo Road gardens is currently formed by a single storey structure along its entire length, housing garages. The rear wall of this structure appears as much as 4 or 5m high on the rear boundary with those Waterloo Road properties. The garden length in this location is 30m.

The boundary with Crest Road gardens is mixed fencing and concrete blockwork of varying heights, with some properties with single storey outbuildings at the rear of their gardens, which are approximately 25m deep.

To the north the site is bound by an extensive single-storey industrial unit and its grounds. To the east lie the two four-storey buildings of Oxgate Court, Coles Green Road. The nearest block, Nos. 27-34, has habitable room windows (appears to be bedroom and kitchen) on the west elevations, overlooking the site in question.

There are nine trees on the site, close to the boundary with Oxgate Court.

Crest Road is a local Distributor road. The site lies outside any controlled parking zone and has moderate low accessibility with a PTAL rating of level 3. No tube or rail services are within walking distance of the site, but five bus routes are available from stops very close to the site access.

## **PROPOSAL**

The proposal is for a residential development on the site for 14 residential units (6x 3 bed dwellinghouses, 8 x 2 bed flats) and 14 parking spaces.

The houses are three-bed, five person units with a gross internal floor area (GIA) of 115sqm, with gardens ranging in size between 43 and 119sqm. Each unit save House 1 has a 13sqm terrace.

Flat 1 is a two-bed, three-person wheelchair unit with a GIA of 73sqm and a 32sqm terrace. Flats 2-8 are two-bed, four person units varying in size between 70 and 74sqm. All have access to either a terrace or a balcony area of between 5 and 12sqm.

## **HISTORY**

The site has most recently been used as a builders yard and car breakers (enforcement notice served Oct 2000 requiring this use cease).

Outline planning permission 03/3750 was granted on 22/04/2004 for 13 residential units (7 x 3-bed houses, 3 x 1-bed flats, 3 x 2-bed flats), but was not implemented.

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework**

The NPPF was published on 27<sup>th</sup> March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

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

### **London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)**

This applies to relevant developments from 01/04/2012

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

#### *Brent Unitary Development Plan 2004*

Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

#### Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

#### Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.

- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

#### Environmental Protection

- EP2 Noise and vibration
- EP3 Local air quality management
- EP6 Contaminated land

#### Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

#### Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards

PS15 Parking standards for disabled people

PS16 Cycle parking standards

### *Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy  
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth  
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making  
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping  
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development  
Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock  
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

### ***Brent Supplementary Planning Guidance***

#### *SPG3 Forming an access onto a road*

Sets out the standards for the formation of an access onto a highway.

#### *SPG17 Design Guide for New Developments*

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

#### *SPG19 Sustainable Design, Construction and Pollution Control*

#### *SPD S106 Obligations*

### ***Regional***

#### *London Plan 2011*

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London

boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The following chapters are considered relevant to this application:

- 3. Housing
- 5. London's response to climate change
- 7. London's living places and spaces

### **National**

#### *National Planning Policy Framework, March 2012*

The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental and social planning policies for England, replacing existing planning policy guidance and statements. The NPPF sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should: (1) prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes; (2) approve development proposals that accord with statutory plans without delay; and (3) grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following relevant policy guidance and statements have been superseded by the NPPF as of 27 March 2012:

#### *Planning Policy Statement 1: Creating Sustainable Communities*

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

#### *Planning Policy Statement 3: Housing (June 2011)*

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

See revised PPS3 (3<sup>rd</sup> edition) published 9 June 2010: In essence, private residential gardens are

now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

*Planning Policy Guidance 13: Transport, 3 January 2011*

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to: (a) promote more sustainable transport choices for both people and for moving freight; (b) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and (c) reduce the need to travel, especially by car. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

## **CONSULTATION**

### ***Neighbours and other third parties***

Local residents and Ward Councillors were consulted on 14/02/12. A site notice was put up on 15/02/12 and a notice was placed in the local press on 23/02/12.

To date nine letters of objection have been received, and two letters of support. The objections are summarised as follows:

- Overdevelopment
- Loss of privacy
- Loss of sunlight
- Noise and disturbance from new development
- Highway and pedestrian safety including parking problems for No. 1 Crest Road, access for emergency vehicles, nearby bus stop, proximity to junction, history of accidents
- Increased traffic congestion, pollution
- Impact of overspill parking
- Possible disturbance from lighting along access road
- Position of refuse store, odour, noise and vermin
- Position of footpath
- Increased risk of crime, anti-social behaviour
- Outbuildings within gardens affected by works to boundary walls
- Poor maintenance by housing associations of other properties in the area

Cllr Hopkins (Dollis Hill Ward) also objected to the proposal, for the following reasons:

- Traffic impact - in particular safety of the access
- Parking
- Dominance and massing - out of character with the area and resulting in loss of privacy and outlook
- Boundary Treatments
- Bin and Refuse Store - position on boundary
- Lack of play areas

These objections are discussed in the relevant sub-sections of the *Remarks* section, below.

The reasons for supporting are as follows:

- Easing the housing problem



### ***Internal consultees***

Internal consultees (Transportation, Environmental Health, Housing, Landscape & Trees, Sustainability and Design) were consulted on 14/02/12.

#### *Transportation*

No objections subject to a number of conditions and s.106 requirements.

#### *Environmental Health*

No objections subject to a number of conditions

#### *Housing*

No objections

#### *Landscape & Trees*

No objections subject to revised tree survey and conditions detailing planting schedule and maintenance plan

#### *Sustainability*

No objections subject to conditions and s.106 clauses on sustainability

#### *Urban Design*

No objections

### ***External consultees***

External consultees (Met Police, Thames Water) were consulted on 14/02/12.

#### *Metropolitan Police*

No objections subject to relocating binstore

#### *Thames Water*

No objections

## **REMARKS**

### ***Introduction***

The application is discussed under the following headings:

1. Principle of development
2. Mix and tenure
3. Design
4. Impact on neighbouring residents
5. Standard of accommodation
6. Parking and access
7. Sustainability
8. Other
9. Response to objections
10. Conclusion

### ***1. Principle***

#### *1.1 Backland development*

The site lies behind the rear building line of existing housing and is partially enclosed by gardens;

as such it constitutes backland development (see para 5.13.2, UDP 2004: p94). Brent Council policies do not prevent development of backland sites, nor does any national or regional planning policy, but the supporting text for the backland development policy in the UDP states that “such development can have a severely detrimental impact on the character of the surrounding residential area and on the amenities of adjoining dwellings.” (para 5.13.1: p94)

Where backland development is proposed, Policy H15 requires special regard to be had to, amongst other things, (a) the density and height of the proposal which should be subsidiary to the frontage housing; and (b) the privacy and outlook from existing dwellings and in particular gardens. Criteria (c), (d), (e), (f) and (g) are not relevant in this case.

*1.1.1 Criteria (a) - subsidiarity*

Policy H15 relates to backland development which requires special regard be had to, amongst other things, the height and density of the proposal which should be subsidiary to the frontage housing.

The use of the word ‘subsidiary’ in Policy H15(a) indicates an underlying objective that backland development, whilst related, auxiliary or supplementary to the frontage housing, should also be secondary in importance, having regard to its density and height.

In this case the site is attributed to Oxgate Court, a four-storey building, and as such the height of the generally three-storey proposal would be less than that of the frontage housing.

Policy H15(a) also requires a comparative analysis of density within the scheme between the backland development and the frontage housing. The applicant has provided comparative densities of the respective areas for the frontage housing and backland development which indicates the following:

	<i>Frontage</i>	<i>Backland</i>
Area:	0.07ha	0.25ha
Hab rooms:	32	54
Density:	457hrh	216hrh

The density of the backland part of the site would be subsidiary to the density of the frontage housing; as such the respective densities are considered acceptable.

*1.1.2 Criteria (b) - privacy and outlook*

This is discussed in greater detail in section 4, below. Your officers judge the scheme to have an acceptable relationship with neighbouring properties in respect of privacy and outlook.

*1.2 Density*

National, regional and local policies seek to optimise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the housing potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy 3.4 also provides density matrix which gives a range of appropriate density ranges related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). The recently adopted Core Strategy policy CP6 seeks to ensure developments have proper regard to the London Plan and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

For the purposes of calculating density (a) the site area includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004) and (b) habitable rooms include kitchens over 13sqm,

bed-sitting rooms are counted as 1.5 habitable rooms and a room which is larger than 18sqm is counted as 2 habitable rooms (p.288, Glossary, UDP 2004).

Some residents have objected to the scheme on the basis of overdevelopment. The site has an area of 0.25ha and a total of 54 habitable rooms, giving a density of 216 habitable rooms per hectare. It is in a suburban location with moderate access to public transport (PTAL 2) adjacent to Coles Green/Crest Road local centre and the appropriate density range given in the London Plan is 150-250hrh: this scheme falls within that range and is considered acceptable.

### *1.3 Summary*

Your officers are satisfied that redevelopment of this previously developed land is appropriate and fully complies with the relevant national, regional and local policies, specifically PPS3, London Plan policy 3.4 and strategic policy STR3 of the UDP, which seek to optimise the use of previously developed land.

## **2. Mix and tenure**

The applicant is Genesis Housing Group, one of the Council's preferred Housing Association partners.

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise 43% of the units, rising to 56% of habitable rooms. This comfortably complies with Core Strategy policy CP2 that states at least 25% of all new homes should be family sized accommodation of three bedrooms or more and meets the London Plan Housing Supplementary Planning Guidance that identifies a London-wide need to the year 2020 for 32% one bedroom, 38% two and three bedroom and 30% four bedroom housing.

The application proposes 100% intermediate rent, which is contrary to London Plan policy 3.11 *Affordable Housing* which seeks a split of 60:40 social rent:intermediate rent or sale; however the site offers 100% affordable housing, significantly in excess of the Core Strategy's objective of 50% affordable units, and a substantial amount of family accommodation, again in excess of the 25% objective within the Core Strategy. The two-bed units will be limited to up to 80% of market rent and the three-bed units limited to up to 60% of market rent. On balance, therefore, a scheme which provides 100% affordable accommodation with all offered for affordable rent is considered acceptable in this instance.

## **3. Design**

Good design is a vital aspect of successful development and this has been reiterated by recent policy document including the Draft National Planning Policy Framework 2011 (see paras 114-123), the London Plan 2011 (specifically policies 3.5 *Quality & Design of Housing Developments*, 7.4 *Local Character*, 7.5 *Public Realm* and 7.6 *Architecture*) and Brent's Core Strategy 2010 (policy CP5), in addition to the existing policies requiring good design in Brent's Unitary Development Plan 2004 (saved policies) and Supplementary Planning Guidance No. 17 "Design Guide for New Development".

### *3.1 Form, massing and layout*

The scheme proposes a terrace of six no. part two-, part three-storey houses and a part two-, part three-storey block of eight flats. The terrace houses would have private gardens to the rear and front terraces at first and second floor, while the block of flats would have a communal garden and a communal terrace and most flats would have private balconies. This is arranged around a shared surface with parking and a turning area, with scope for some soft landscaping.

The character of the area is mixed, with two-storey semi-detached and terraced houses to the

south and west, four-storey blocks of flats to the east and a low industrial building to the north. In light of this mix of building height, bulk and type, your officers are satisfied that the proposed development would be in keeping with the character of the area in terms of form, massing and layout.

### *3.2 Architecture and materials*

The development occupies a site which at present contributes little to the townscape. With the exception of the Grade II\* Oxgate Farm, which is in a state of disrepair, there are few buildings of architectural note in the immediate area. Medium- and long-distance views to the site are limited, with a view north from Crest Road to the flat block afforded along the access corridor but otherwise views to the scheme will be from the rear of adjoining properties.

The buildings have a simple and contemporary style and would be finished in brick. In both the houses and the flats, their success will depend on the quality of the design being maintained throughout the preparation of the working drawings; details have been provided (drawing 1114(PL)300) and a sample of the brick and the window material have been supplied and your officers are satisfied that the brick and window type will be of sufficient quality.

### *3.3 Summary*

In summary the proposal is considered to an example of good contemporary architecture which manages to balance the different architectural forms adjoining the site; your officers are satisfied with the scheme in design terms.

## **4. Impact on neighbouring occupants**

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

### *4.1 Impact on Oxgate Court*

The nearest residential units are within a four-storey flat block (Nos. 27-34 Oxgate Court), positioned 4.5m from the eastern boundary. The proposed flat block would be 8m at its closest from the western, or rear, elevation of Oxgate Court, however that distance is to a two-storey (11m wide) section; the main three-storey part of the proposed block is 13.5m away. Planning records show that the units within Oxgate Court are dual-aspect three-bedroom flats with the kitchen and the second bedroom with windows on the rear elevation. Revised plans have been received and neither the 30 degree line, taken from the ground floor windows of Oxgate Court, nor the 45 degree line, taken from the boundary, is broken by the flat block.

The proposed flat block would substantially change the outlook for neighbouring residents from their kitchens and their second bedrooms, but it is not considered to be to the extent that their living conditions would be materially harmed: their view may have worsened but that is not in itself a reason for refusal, particularly when considering that beyond the trees the site is blighted by a large number of scrap vehicles.

In terms of privacy, SPG17 seeks a minimum distance of 10m from the boundary for habitable rooms on the main rear elevation, or 5m for habitable windows in the flank elevation. There are only kitchen windows to the eastern flank of the proposed block, although there is a terrace atop the two-storey element. The kitchen has a large opening to the living-dining room and so your officers propose a condition be imposed to ensure the windows are obscured glazed and non-opening below 1.7m, to prevent loss of privacy to the residents of Oxgate Court; the applicants have agreed to this. Your officers also propose that further details be sought of the terrace to introduce some screens along the eastern elevation to reduce opportunities for looking directly into Oxgate Court windows; the applicants have indicated vertical wires with planting to provide a screen.

On balance, the distance between the blocks is considered to be acceptable to maintain the privacy of existing and future residents, given the limited distance between the site boundary and Nos. 27-34 Oxgate Court and the fact no clear glazed or openable windows are proposed on the eastern elevation of the flat block.

#### *4.2 Impact on Crest Road*

Given the depth of the gardens of the Crest Road properties (approximately 25m), the development would comply with SPG17 guidance in terms of the 30 degree line from habitable room windows. From most gardens the scheme complies with the 45 degree line but fails with the gardens of Nos. 9 and 11 Crest Road with House 1.

In terms of privacy, the flat block is approximately 12m from the southern boundary and 36m from the rear of the nearest houses (Nos. 1-5 Crest Road); both these distances are within the normally acceptable distances set out in SPG17 and your officers are satisfied that neighbouring residents' privacy will not be materially harmed by the flat block.

House 1 has no habitable room windows within the southern (side) or western (rear) elevations and so Nos. 9-15 Crest Road (and beyond) would not suffer any direct overlooking. House 1 does have a front terrace, serving a first floor bedroom, and when applying the 10m distance set out in SPG17 this would have limited views of the rear-most parts of the gardens of Nos. 5 & 7 Crest Road. Both those neighbouring houses have outbuildings at the ends of their gardens which reduce the amount of garden affected harm privacy and provide screening to the remaining part that is within the 10m line; this, combined with the fact House 1 is almost perpendicular to the boundary, leads your officers to conclude that the extent of overlooking would be minimal and within accepted norms for this type of suburban location.

Returning to outlook and specifically the relationship of House 1 with the gardens of Nos. 7-13 Crest Road, your officers have noted the argument put forward by the applicant in the Design and Access Statement (section 8.2) that it is a common feature of the area to have the ends of terrace houses at the rear of the gardens of perpendicular terraces. Your officers agree that this is a characteristic of development in the local area and indeed in most built-up environments, although that in itself is not sufficient reason to allow a variation of established guidance. In this instance your officers have weighed the fact that this relationship is a common one in the area with the height (6.3m) and depth (8.8m at first floor) of the flank wall and its distance from the boundary (between 1.8-3.8m) and conclude that, on balance, the flank wall would not materially harm the outlook of adjoining residents nor would it have an overbearing effect when enjoying their gardens. It should be noted also that No. 11 has an existing mature tree within its garden which will screen the flank to some extent and No. 9 has a small outbuilding at the end of its garden which reduces the affected area.

#### *4.3 Impact on Waterloo Road*

The height and position of the terrace of houses meets the 30 degree and 45 degree line when measured from Waterloo Road properties, which also have substantial gardens (approximately

22m). The proposed terrace houses have shallow gardens, between 6m at its closest (House 1) and 8.5m at its farthest (House 6). Although this is below the usual 10m normally sought by SPG17, the rear of the houses would be 28m from the rear of Waterloo Road houses at the closest point and the design of the houses means there are no first or second floor habitable rooms to overlook to the west; any windows can be obscured glazed.

The bulk of the terrace is broken down by the provision of gaps between the top floors of each house, which accommodates a terrace that looks to the east, into the site, and would be screened to prevent views to the west towards Waterloo Road properties.

#### *4.4 Impact on site to the north*

Part of the northern boundary of the plot of House 6 shares a boundary with the rear part of Coles Green Court, a similar block of flats to Oxgate Court. Coles Green Court is currently subject to an application for redevelopment, received on 3 April 2012 but not yet validated. Without pre-judging that application, your officers note that there is a potential for overlooking part of that site from the second floor terrace of House 6 and the applicant has agreed to remove that terrace from House 6.

#### *4.5 Summary*

Your officers are of the view that the layout, scale and design of the development would not lead to any significant loss of privacy for existing properties, subject to appropriate landscaping and fencing. The separation distances will also mean that existing and proposed residents will retain and achieve reasonable daylight, sunlight and outlook which complies with policies BE9 of the UDP 2004 and guidance contained in SPG17 'Design Guide for New Development'.

### **5. Standard of accommodation**

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

All accommodation in the scheme meets the standards in policy 3.5 of the London Plan 2011, which exceed the minimum sizes in SPG17. The houses have kitchen-dining rooms which rely on outlook to the rear boundary wall but the other rooms in the houses all benefit from unrestricted outlook to the front. The flats are laid out coherently and each would be dual aspect and benefit from good outlook to the west or south.

Where possible all flats and houses have private amenity space as either gardens or balconies and communal amenity space is provided in accordance with SPG17 standards.

External factors such as noise disturbance from the industrial unit to the north are not likely to be detrimental to the living standards of future occupants; Environmental Health officers have considered the likely impact of the industrial unit and found no complaints from any existing residential units. A standard restrictive condition to ensure internal noise levels are acceptable is proposed.

#### *Summary*

Your officers are satisfied that the scheme would provide a good standard of accommodation at a density suitable for this type of suburban location and would, as a result, offer a good living environment for future occupants.

## **6. Parking & Access**

The application is accompanied by a Parking and Access Statement, prepared by Paul Mew Associates (January 2012).

### *6.1 Parking*

A total of 14 car parking spaces (incl. one disabled) and one bicycle store are proposed around the site, equivalent to one parking space per unit.

In terms of car parking, allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have good access to public transport services and is not located within a Controlled Parking Zone, the full parking allowance applies. As such, up to 19.2 spaces would be permitted for this development, so the proposed provision of 14 spaces would accord with standards considering affordable housing units are assumed to generate parking at about 50% of the maximum standard (Parking Standard PS14, UDP 2004: p138).

The provision of one disabled parking space close to the wheelchair unit complies with standard PS15 (10% of spaces in social housing schemes).

### *6.2 Overspill parking on neighbouring roads*

Consideration also needs to be given to the impact of any overspill parking on traffic flow and road safety: neither Crest Road nor Coles Green Road are designated Heavily Parked Streets, though on-street parking in the immediate vicinity is limited by the nearby junction, bus stop and shopping area.

Local residents are concerned about overspill parking and so the applicant has agreed to show two visitor parking spaces within the shared surface access corridor, for occasional use. Your officers are satisfied that the impact on any overspill parking will be limited and acceptable and would not result in an unacceptable increase in illegal or unsafe parking.

### *6.3 Access and congestion*

Vehicular access to the site is gained via a 5.5m wide shared surface from Crest Road; this access is existing though gated at present.

Your Highway and Transport Delivery officers have assessed the use of this existing access and considered the impact of this development on pedestrian and traffic safety. Residents and a Ward Councillor have objected on the grounds of additional traffic on local roads and in particular the proximity of the site access to the junction and the bus stop. Visibility splays exiting the proposed access road are adequate, with visibility to the east, downhill towards the junction of Crest Road and Coles Green Road, of approximately 50m to the junction and a visibility splay to the west, uphill towards the junction of Crest Road and Alder Grove, of 2.4m by 60m. This is acceptable in terms of highway standards and this development is not likely to result in a material increase in risk to highway or pedestrian safety. The site could legitimately be used for parking up to 14 vehicles within the existing garages, the same number of spaces as now proposed, and the borough Highways and Transport Delivery officer is satisfied that the visibility at the junction is adequate for this level of activity. The Highways and Transport Delivery officer has sought further details of the junction with Crest Road with 1m kerb radii and a raised table junction and this is to be secured by a clause within the s.106 legal agreement. Your officers consider that this arrangement would not result in a material change in pedestrian and highway safety.

Your officers do not consider that this scheme would result in a significant increase in traffic using the local highway network, due to the scale of this proposal.

## *6.5 Layout*

The scheme proposes a shared surface throughout the area of the new development. This is acceptable in principle for 14 units. Surfacing is generally proposed in resin-bonded aggregate, which Highway and Transportation Delivery officer has reservations about in terms of being capable of bearing the weight of refuse vehicles; further details of the construction of the surface (including drainage) and its surface material shall be sought by condition. In addition further details lighting (design, output and illuminance levels) will be secured by condition.

## *6.6 Cycle provision*

Standard PS16 requires at least one secure bicycle parking space per unit. Bicycle storage in the flats comprises 14 spaces in a dedicated shed to the rear of the block of flats and two spaces per house within a shed in the rear garden. Further details of the design of the cycle store shall be sought by condition.

## *6.7 Servicing*

With regard to servicing, a turning stub has been incorporated into the design of the shared surface area. A refuse and recycling storage area is shown in a communal store of eight bins and the location of this bin store on the southern boundary of the site has been a concern for local residents in terms of noise, smell, vermin and fears that it would ease access over their boundaries. Your officers have discussed this with the Metropolitan Police's Crime Prevention Design Officer and the applicant and the applicant has confirmed that they will follow the Design Officer's advice and reduce the bin store in size, with the bins for the houses being moved closer to those properties, and move the store for the flats away from the boundary and design it so that it could not be used as a step over the boundary. Your officers are satisfied that this would address these concerns.

Further details of the position and design of the bin stores and confirmation that they meet Brent's standards for waste and recycling shall be sought by condition.

As such, servicing and emergency access requirements have been met for the site.

## *6.8 Summary*

Subject to a number of conditions and s106 obligations, the proposed development complies with the relevant UDP policies in respect of highways and transportation.

## **7. Landscape, trees and ecology**

### *7.1 Landscaping*

A limited amount of landscape information has been provided with the application, showing indicative areas of hard and soft landscaping and some proposed locations for trees. Whilst further information on the amount, size and species of planting shall be sought by condition, your officers are satisfied that the proposals demonstrate there is scope for a well-landscaped scheme, although particular attention will need to be paid to the planting in the shaded communal garden and to ensure the existing trees are adequately replaced; this is a backland site and as such neighbouring residents can expect a more substantial amount of landscape than in a frontage scheme, to soften the visual impact, so trees along the access corridor, the shared space area and within the communal garden and the rear gardens of the houses will be sought.

A number of residents on Crest and Waterloo Road have raised concerns about the potential changes to their rear boundaries; the applicant has confirmed that the existing means of enclosure shall remain with some additions to improve the appearance of some boundaries (e.g. the concrete



block walls), unless otherwise agreed with the neighbours or where the boundary is in a poor condition. The applicant also proposes to retain the side and rear walls of the existing garage block, although the wall may require some additional piers to secure it, at its existing height since this is an established feature for residents on Waterloo Road. Further, the applicant has confirmed their objective of achieving Secured By Design for the site; to this end the applicant has met with the Metropolitan Police's Crime Prevention Design Advisor who has suggested that the boundaries to Crest Road properties could be increased to 2.4m. Your officers have included this as part of a condition on the means of enclosure, to be determined at a later date after consultation with the occupants of those properties.

In addition to the further details of planting, details of the maintenance of all communal areas and buffer zones will be required as a condition, along with details of the green roofs, hard surfacing and means of enclosure.

## 7.2 Trees

There are no Tree Protection Orders in place on trees on the site. During the application process the stand of nine Scots Pines located at the end of the access corridor were removed. A tree survey was prepared for those trees beyond the site's boundaries and recommendations for their protection have been made, which the borough Tree officer agrees with.

The site plan indicates 21 trees would be planted on site, a replacement ratio of 3:1 which is considered acceptable and, subject to further detail of the species and size of the trees, would justify the loss of the Scots Pines.

The tree protection plan will be secured by condition to ensure off-site trees are not damaged by the works.

## 8. Sustainability

Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* and the GLA's London Plan 2011 policies within Chapter Five London's Response to Climate Change.

The application is accompanied by an Energy Strategy, prepared by Calford Seaden (January 2012).

In support of the proposal's objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a pre-assessment score of Code for Sustainable Homes Level 4 for all other dwellings has been submitted.

Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control* 2003 require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 48% can be achieved, although officers have scored the Checklist at 44%. There are measures the applicant could take to increase that score and the applicant has agreed to achieve a score of 50% as one of the terms of the s.106 legal agreement; your officers are satisfied that the scheme can achieve the objectives of SPG19.

In respect of Brent's sustainability policies, the proposal is considered acceptable.

The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising carbon dioxide emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use

renewable energy.

The scheme would provide a 33% or more improvement over Part L of the Building Regulations 2010 and is projected to provide a 20% CO2 emissions reduction across the development through the use of photovoltaic panels to provide renewable energy.

Your officers are satisfied that the development is acceptable in respect of the sustainability matters in London Plan 2011.

## **9. Other**

### **9.1 Air Quality Assessment**

The site lies in an Air Quality Management Area (AQMA) as defined in the UDP (policy EP3 and SPG19) and air quality can be a material consideration in development control decisions as set out in PPS23 (Planning and Pollution Control, 2004); the borough Environmental Health officer recommends a condition will be imposed to ensure a Construction Method Statement and appropriate dust and fine particles control measures are in place during works and a further restrictive condition to limit the NOx emissions of the proposed boilers. The applicant has also agreed to sign up to the ICE Demolition Protocol and the Considerate Contractors Scheme.

### **9.3 Daylight & Sunlight**

Some residents have objected to the proposed scheme on the basis of loss of sunlight and daylight. BRE guidance document *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE 1991) refers to a 25 degree line, similar to the 30 degree line set out in section 3.4 of SPG17, below which new buildings are likely to not have a materially harmful affect on daylight and sunlight within residential properties. The proposed buildings are below that 25 degree line.

In terms of overshadowing, the BRE guide recommends that no more than two-fifths—and preferably no more than one quarter—of any garden or other amenity area should be prevented from receiving any sunlight at all on 21st March. The houses and flats lie to the north and east of the gardens of Crest Road and Waterloo Road properties and as such any overshadowing is likely to be minimal.

Your officers find the scheme acceptable in terms of daylight and sunlight.

### **9.4 Noise**

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level, although this has in mind noise-generating development such as industrial uses or transport. Development for residential purposes can cause noise and disturbance, particular from manoeuvring vehicles, but it is necessary to consider the existing use and the site characteristics and your officers do not expect this development to materially harm the amenity of neighbouring residents.

### **9.5 Ground Investigations**

The development proposes removing domestic garages and replacing with a more sensitive end use and there are also adjacent areas that have been identified as potentially contaminated; PPS 23 requires that the site is 'Suitable for Use', and places responsibility with the developer. This is controlled via the planning process which requires phased assessment to be undertaken for review and approval by the Local Authority and in accordance with policies BE12 (h) *Sustainable Design Principles*, EP6 *Contaminated Land* and Supplementary Planning Guidance No. 19: Sustainable Design, Construction and Pollution Control. Environmental Health officers recommend imposing a

condition to ensure that any contamination is identified by a ground investigation and a remediation strategy is prepared, implemented and checked before occupation of the properties.

### *9.7 Crime & antisocial behaviour*

Many local residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime; in this case the redevelopment of a dilapidated site for residential purposes would mean a site which would otherwise be vacant at night would be well-observed and opportunities for crime might well decrease.

### *9.8 Impact on local infrastructure*

The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter into a S106 legal agreement to secure financial contributions to enable the Council (as the education and highway authority) and the PCT to provide improvements and enhancements of local facilities to accommodate the new population. This application secures a total of about £80,000 to provide improvements to local infrastructure.

## **10. Responses to objectors**

The majority of objections to the scheme have been addressed in the sections above. Concerns have been raised about the standard of maintenance of some housing association properties in the area; no evidence has been provided as to the identity of the housing association concerned but in any event this would not be considered a reason for refusing this scheme. A query has also been raised regarding what provision has been made for a children's play area: no play area is proposed, Brent UDP policy OS18 requires children's play areas for schemes of 15 units or more. The proposal involves family housing but these are provided with private amenity space in excess of the minimum 50sqm requirement of SPG17.

## **11. Conclusion**

The application would provide a significant contribution to much-needed family accommodation for intermediate rent whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the setting of the nearby Grade II\* listed building. The scheme is judged to be sustainable development which optimises the use of previously developed backland for housing and as such is in general accordance with the objectives of the National Planning Policy Framework, the London Plan 2011 and the Brent development plan documents and approval is recommended.

## **REASONS FOR CONDITIONS**

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

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010  
London Plan 2011

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  
Transport: in terms of sustainability, safety and servicing needs

#### **CONDITIONS/REASONS:**

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

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

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

120202\_1114 (PL)100 *Site Layout*  
120202\_1114 (PL)110 Rev B *Site Layout & Access*  
120202\_1114 (PL)200 *Ground Floor Plan*  
120202\_1114 (PL)201 Rev A *First Floor Plan*  
120202\_1114 (PL)202 *Second Floor Plan*  
120202\_1114 (PL)203 *Roof Plan*  
120202\_1114 (PL)204 *Contextual Elevations 01*  
120202\_1114 (PL)205 Rev A *Contextual Elevations 02*  
120202\_1114 (PL)206 Rev A *Flats North & South Elevations*  
120202\_1114 (PL)207 Rev A *Flats East & West Elevations*  
120202\_1114 (PL)208 Rev A *Houses North & South Elevations*  
120202\_1114 (PL)209 Rev A *Houses East & West Elevations*  
120202\_1114 (PL)210 Rev A *Sections*  
120202\_1114 (PL)300 Rev A *Detail Sections*  
120202\_1114 (PL)310 *Sketch Birdseye*  
120202\_1114 (PL)311 *Sketch Entrance*  
120202\_1114 (PL)312 *Sketch Courtyard*

Design and Access Statement  
Arboricultural Impact Appraisal and Method Statement (Barrell Tree Consultancy, March 2012)  
Energy Strategy Rev 2 (Calford Seaden, Jan 2011)  
Parking & Access Statement (Paul Mews Associates, Jan 2011)  
Brent Sustainability Checklist Form TP6

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

- (3) Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out unless a formal planning

application is first submitted to and approved by the Local Planning Authority.

Reason: in view of the restricted size of the site for the proposed development no further enlargement or increase in volume beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers, and in view of the restricted gardens.

- (4) The windows on the upper floors of the eastern face of the flat block shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the south and west wall of House 1, the north and west wall of House 6 or the west wall of Houses 2-5 without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) No access shall be provided to the first floor terrace and the roof of the first floor of House 1 and to roof of the first floor of House 6 by way of window, door or stairway and the aforementioned terrace and roofs hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (6) All parking spaces, turning areas, shared surface access roads and footways shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the development approved by the Local Planning Authority and shall be retained thereafter. Parking spaces shall be used only for domestic vehicles and no other use.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

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

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
Good resting conditions hours 07:00 – 23:00)	Living rooms	30 dB (day: T =16
Good sleeping conditions hours 23:00 – 07:00)	Bedrooms	30 dB (night: T = 8
		L <sub>Amax</sub> 45 dB (night 23:00 – 07:00)

No part of the development shall be occupied prior to submission to and approval in writing of the results of a sound test which demonstrates that the above required internal noise levels have been met. The sound insulation measures shall be retained thereafter.

Reason: To obtain required sound insulation and prevent noise nuisance harming the amenity of future occupants

- (8) Details of materials for all external work with the exception of the bricks, the windows and the rainwater goods but including mortar colour and balustrades, including samples and/or manufacturer's literature, shall be submitted to and approved in writing by the Local Planning Authority before any construction work is commenced.

The bricks shall be Hoskins Brick Ltd *Creme*, the windows shall be the Velfac 200 window system finished in *Anodized Bronze* and the rainwater goods shall be aluminium square profile finished in bronze anodized aluminium. The work shall be carried out in accordance with the approved details and shall be retained thereafter.

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

- (9) Notwithstanding any details of landscape works referred to in the submitted application, a detailed 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 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:

- (i) all areas of soft landscaping and planting including screen planting along the south and eastern boundaries;
- (ii) details of the cables and planting to the eastern part of the communal terrace atop the first floor roof of the flat block;
- (iii) provision of 21 trees as shown on drawing (PL)110 Rev B or in similar locations, including drought resistant native trees;
- (iv) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (v) cross sections of the green roofs to show the construction of the green roof and in particular the depth of soil;
- (vi) existing contours and any proposed alteration to ground levels such as earth mounding or removal; and
- (vii) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works: these should be of a permeable construction

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 and to ensure the privacy of neighbouring occupants is maintained.

- (10) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority prior to commencement of construction works and shall be implemented within a timescale to be agreed with that approval.

This should comprise a maintenance schedule and any specific management duties and such details may include:

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The landscaping shall be maintained in accordance with the approved Landscape Management Plan.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (11) Prior to commencement of any construction works hereby approved, further details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority after consultation with adjoining land owners and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Such details shall include:

- (i) type of boundary treatment, e.g.; wall, palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details;
- (v) any alterations, extensions or repairs to existing boundaries including consideration of increasing the boundary with Crest Road properties to 2.4m in height; and
- (vi) the side and rear walls of the garages on the south and west boundaries shall be retained at their present height and shall be retained thereafter.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (12) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement, which shall be accompanied by a site layout plan showing the following elements, shall include details of:
- (i) the timing of deliveries (to avoid peak hours) and the control of traffic entering the site;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel washing facilities to be installed prior to commencement of any works;
  - (vii) measures to control the emission of dust and fine particles during construction; and
  - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the the retained landscape features, highway safety and the freeflow of traffic, residential amenity and Air Quality Management Area objectives.

- (13) Prior to commencement of any construction works, a detailed soil remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Such a remediation strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.



- (14) Prior to occupation of any part of the development and following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (15) Notwithstanding the plans hereby approved, the shared surface access road, circulation space and turning area shown shall be constructed, surfaced and/or demarked in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works and the buildings shall not be occupied until the surface has been constructed in accordance with the approved details and it shall be retained thereafter. Such details shall include:

- (i) road construction details including cross-section showing foundations/substrate and surface to demonstrate the proposed resin-bonded aggregate will be capable of supporting heavy vehicles e.g. refuse or fire tenders;
- (ii) any markings e.g. for parking to include two parallel bays for informal visitors parking on the shared surface access road and a widening of the shared surface to accommodate these two spaces, such markings to be indicated by a different material;
- (iii) surface water drainage, employing sustainable urban drainage principles such as permeable paving; and
- (iv) details, including manufacturer's literature, of any street furniture or signage

Reason: To ensure a satisfactory design in terms of the safe operation of the shared surface and its visual impact and to ensure the surface is well-drained with sustainable drainage methods where possible and to ensure that the road surface and construction is designed to accommodate heavy vehicles.

- (16) Prior to commencement of construction works, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter. Such details shall include:

- (i) all lighting for the site, including the shared surface access road, parking areas, communal amenity space, communal terrace, building security lights (if any) and rear garden lighting;
- (ii) a low-height proposal for the development to protect the amenity of neighbouring residents on Crest Road, Waterloo Road and Coles Green Road from glare;
- (iii) the output of each light and a site-wide light-spill (illuminance) diagram; and
- (iv) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

Reason: To ensure that the site is safely lit for pedestrians and vehicles and to ensure such illumination does not prejudice the amenities of future or neighbouring residents, given the backland nature of the development.

- (17) Notwithstanding the details hereby approved, further details of bin stores shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved and permanently retained thereafter. Such details shall include:
- (i) the location and design of the bin stores
  - (ii) adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) to comply with the requirements of the Brent *Waste and Recycling Storage and Collection Guidance for Residential Properties 2011*

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection and to ensure the bin store is located in a way which does not harm the security of neighbouring properties.

- (18) Notwithstanding the details hereby approved, further details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved and permanently retained thereafter. Such details shall include:
- (i) the position, design and materials of a secure, covered cycle shelter for a minimum of 14 cycle parking spaces for the flat block; and
  - (ii) the position, design and materials of a secure, covered cycle shelter for each house

Reason: To ensure satisfactory facilities for cyclists.

- (19) Notwithstanding the details hereby approved, further details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved and permanently retained thereafter. Such details shall include:
- (i) manufacturer's literature of the type of panel; and
  - (ii) the position, orientation and height above the roof line of the panels.

Reason: In the interests of visual amenity.

#### **INFORMATIVES:**

- (1) The applicant is advised that during demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice BS5228:2009 shall be employed at all times to minimise the emission of noise from the site
  - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
  - Vehicular access to adjoining premises shall not be impeded
  - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only

- No waste or other material shall be burnt on the application site
- A barrier shall be constructed around the site, to be erected prior to work commencing
- A suitable and sufficient means of suppressing dust must be provided and maintained

(2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017