

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

6 May, 2020  
04  
19/1241

## SITE INFORMATION

RECEIVED	1 April, 2019
WARD	Sudbury
PLANNING AREA	Sudbury Town Neighbourhood Forum
LOCATION	Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA
PROPOSAL	Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).
PLAN NO'S	Refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144685">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144685</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/1241" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
  - A. Any direction by the Secretary of State pursuant to the Consultation Direction
  - B. The prior completion of a legal agreement to secure the following planning obligations:
    - a) Payment of legal and professional costs
    - b) Notification of commencement
    - c) Provision of affordable housing
      - 52 units at an intermediate rate (80% of market rate),
      - Approval and implementation of a Marketing Methods Plan
      - Payment of £197, 181 towards the provision of off-site affordable housing
    - d) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to material start of the development hereby approved. This shall demonstrate:
      - How the scheme will achieve a minimum CO2 reduction of 35 % from 2013 TER (regulated) including a minimum of reduction of 20 % through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
      - The applicant shall implement the approved Sustainability Implementation Strategy and shall thereafter retain those measures.
    - d) Carbon offset contribution of £39,078 to be paid, or an opportunity to resubmit an improved energy statement and reduce the offset payment
    - e) Contribution of £30,000 towards (i) the expansion of controlled parking zones in LB Brent, and (ii) improvements to cycle parking associated with Sudbury Town Station
    - f) Contribution of £20,000 towards the review and potential expansion of controlled parking zone in LB Ealing
    - g) Training and employment of Brent residents, with the aim of providing (during construction) 1:10 of the projected amount of construction jobs to Brent residents and for every 1:100 jobs provide paid training for a previously unemployed Brent resident or Brent school leaver for a 6 month period, as set out within Brent's Planning Obligations SPD.
    - h) Travel plan to be implemented and monitored including funding of subsidised membership of the Car Club for three years for all new residents
    - i) Any other planning obligation(s) considered necessary by the Head of Planning (which meets the tests of CIL Regulation 122)
2. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
3. 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. Time Limit for commencement (3 years)
2. Approved drawings/documents
3. 52 x 1-bed units to be provided
4. Removal of C4 permitted development rights for the flats
5. Five wheelchair accessible units to be provided
6. Retained car park spaces to not be used other than for blue badge holders using Sudbury Town LUL Station
7. Obscure glazed windows to north facing windows of Building A
8. Air quality measures to be implemented
9. Drainage plan to be secured
10. Water consumption to be limited in line with regulations

11. Non-road mobile machinery
12. EVCP to be secured
13. Cycle and refuse facilities to be secured
14. Communal TV aerial and satellite dish system to be secured
15. Tree protection measures to be secured
16. Ecology measures to be secured
17. Construction method statement to be submitted
18. Construction logistics plan to be submitted
19. Land contamination and remediation report to be secured
20. Piling method statement to be submitted
21. Material samples to be submitted
22. Details of landscaping (including roof terrace) to be submitted
23. Amendments to highways layout
24. Noise and vibration assessment to be submitted
25. Details of soundproofing
26. Details of PV panels
27. Details of roof terrace screening to be submitted
28. Plant to be installed in accordance with acceptable noise levels
29. Travel Plan submitted
30. Parking permit free for all future occupiers
31. Agreement with TfL requiring protective measures against noise and disturbance to be submitted

#### Informatives

1. CIL liability
  2. Party wall information
  3. Guidance notes from Thames Water
  4. Fire safety advisory note
  5. London Living wage for all construction workers
  6. Soil contamination measures
  7. Any other informative(s) considered necessary by the Head of Planning
4. 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.
5. That, if by the application "expiry date" the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

#### **SITE MAP**

 <b>Brent</b>	<p><b>Planning Committee Map</b></p> <p>Site address: Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map  
is  
indicative  
only.

## PROPOSAL IN DETAIL

This TfL owned site forms a part of the Mayor of London programme to build 10,000 new homes in a number of locations across London. The proposals are for the re-development of the car park to provide two residential blocks, referred to as Building A and Building B.

Building A is located to the west of the site closest to Station Approach. It is proposed at three storeys high. Building B is located to the east of the site and is proposed at part three, part five storeys high. In total, 52 one bedroom flats are proposed.

All flats would meet floorspace standards with 38 sqm of floorspace (GIA), and 100% would be affordable units, on the basis of being sold at 80% of market rate (see further consideration of this below).

The proposed development is proposed to be 'car-free', however three disabled parking bays would be retained nearest to Station Approach, for users of the Station. An access road is also retained along the northern boundary of the site, to enable continued access for TfL vehicles using the depot to the west of the site, as well as for servicing to the proposed development.

## EXISTING

The existing site is an 84-space pay and display car park (TfL owned, NCP operated) used to serve the adjacent Sudbury Town LUL Station, which is on the Piccadilly Line. The site area is approximately 0.22ha, currently accessed from Station Approach to the west of the site, and is adjacent to the station forecourt and a bus terminal and waiting area. The site is allocated for residential development within the draft Local Plan, with an indicative 30 homes being provided (NB this number is based on a conventional housing mix being proposed).

Although not located in a conservation area, Sudbury Town Station is Grade II\* listed, which includes the access ramp and bridge immediately adjacent to the site, providing access to the southern platform and Orchard Gate to the south. To the north-west, the site abuts the southern elevation of No. 29 Station Approach, with an area of single storey garages to the immediate east of No. 29's rear garden. To its north-eastern end, the site borders the rear gardens of properties on the southern side of Barham Close. An existing TfL depot is located to the east of the site, also currently accessed from Station Approach.

To the immediate south is a designated green / wildlife corridor, which provides relief to the underground line and railway embankment immediately beyond. It also lies within the boundaries of Sudbury Town Neighbourhood Plan.

The site has a largely suburban, residential character with buildings predominantly between 2-3 storeys. It has a PTAL of 5 (very good), and is situated within Controlled Parking Zone 'ST' which operates during weekdays and on Wembley Stadium event days.

## AMENDMENTS SINCE SUBMISSION

Initially, a part-three, part-four storey building (Building 'A') was proposed to the west of the site closest to Station Approach, with a second five storey building (Building 'B') proposed erected to the east of the site, creating a total of 61 1-bed units, with associated cycle and refuse storage, and provision of communal amenity space.

In October 2019, a number of amendments were made to the scheme in response to officers concerns regarding the impacts of the scheme in heritage and townscape terms, impacts to neighbouring residential amenity, and the types of accommodation being provided. The key changes to the scheme are summarised as follows:

- The reduction in height of Building A to become solely three-storeys, and reduction in part of the height of Building B, so that it would now be a part-three, part-five storey block. This had the effect of reducing the number of proposed 1-bed units from 61 to 52;
- The creation of small gardens to ground floor units, increasing the overall amount of amenity space (both private and communal) across the development to 594 sqm;

- The provision of 5 adaptable wheelchair user dwellings (to Building Regulations M4(3)(2)(a)) across the scheme.

A 21-day re-consultation exercise was undertaken following receipt of these changes.

A further set of revised drawings were submitted in February 2020, proposing the following non-material changes to the scheme:

- Alterations to proposed road surface types
- Bike shed material
- Fencing material
- Type of proposed bench
- Brick detailing
- Window mullions on some elevations
- Entrance features
- Staircase window – one window per floor, rather than two.

## SUMMARY OF KEY ISSUES

**The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.**

1. **Objections from adjoining neighbours, resident amenity groups and local councillors:**  
135 properties were consulted on the proposal. In response 27 objections were received from adjoining occupiers, as well as a petition and further objections raised from Sudbury Town Residents Association Forum. Objections have also been received from Cllrs Daly and Stephens. Concerns are summarised as increased parking pressures due to the loss of the car park and knock-on effects of the additional residential development, traffic congestion and servicing, scale and height of the proposed building, heritage impacts, lack of genuinely affordable housing and amenity impacts to adjoining properties.
2. **Principle of redevelopment of the site and loss of car park (with the exception of three blue badge spaces):** The re-development of this car park site to provide additional residential accommodation accords with both current and emerging policies of both Brent's Local Plan and the London Plan. The site has an allocation of 30 units within the draft Local Plan, based on a conventional scheme with mix of unit sizes. It is acknowledged that a number of objections have been received from local residents based on the impacts of the loss of the car park to users of the Station, and the impacts of additional demand on surrounding streets. However, the loss of the car park is considered to be in line with Local and London Plan policies to promote more sustainable modes of travel. The proposal is not considered to have an unacceptable level of impact on car park users and proposed new homes would be parking permit restricted, with CPZ contributions sought.
3. **Affordable Housing and Mix:** The scheme would provide 100% affordable 1-bed units at an intermediate rate (sold at 80 % of market value), which does not fully accord with Brent and London Plan policy targets. However, sufficient justification and other benefits have been secured which officers consider outweigh this policy conflict.
4. **Design, layout and height:** The proposed building would be a maximum of 5 storeys high, which is considered to be appropriate for the context of the site, given the site's location next to an underground station. The building closest to the Grade II\* listed station has been reduced to three storeys to ensure its setting and special character is preserved. The blocks utilise good architecture with quality detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development.
5. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light. The amount of external private/communal space is below standards, but would include high quality external communal terraces which would significantly improve the enjoyment of the site for future occupiers. This is considered acceptable for a high density scheme.

6. **Neighbouring amenity:** Although there would be some impacts to neighbouring residential properties in terms of loss of light and outlook, a BRE daylight and sunlight study confirms these would be minor breaches of the Council's SPD1 guidelines for protecting light and outlook to neighbours. The proposal would have a higher level of impact on the rear of the gardens of three properties (Nos. 7, 8 and 9 Barham Close), with the rearward 4 m of the garden not according with the 45 degree guidance. However, the level of impact is not considered to be unduly detrimental given the length of the associated gardens. The overall impact of the development is considered acceptable, particularly in view of the wider benefits of the scheme in terms of the Council's strategic objectives.
7. **Highways and transportation:** The scheme is to provide suitable provision of cycle parking for the residential units and will encourage sustainable travel patterns, with a section 106 agreement to secure a parking permit restricted scheme for future occupiers. Three disabled parking bays would be retained for users of the station.
8. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, and subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to future residential occupiers from the neighbouring underground line and the remaining TfL depot to the immediate east.

## RELEVANT SITE HISTORY

There is no relevant planning history on the site.

## CONSULTATIONS

### Public Consultation

#### First consultation stage: May 2019

A total of 135 addresses within Barham Close, Barham Court, District Road, Station Approach and Station Crescent were initially notified of the development on 07/05/2019:

A Site Notice was displayed 07/05/2019.

A Press Notice was published 07/05/2019

A total of 27 objections were received to the proposals at this stage. The grounds for objection can be summarised as follows:

Objection	Response
Proposals represent an over-development of the site	The principle of development is considered within paragraphs 1-7
Loss of car park will have a detrimental impact on on-street parking in surrounding area, causing increased traffic and congestion	See paragraphs 84-95
Loss of step-free access for those in wheelchairs/ less physically able to use Station, insufficient disabled parking spaces retained	See paragraphs 84-94
Proposals would be detrimental to the character and setting of the listed Station	See paragraphs 22-28
Proposed 4-5 storeys would be out of scale with surrounding character and appear too dominant	See paragraphs 29-37
Increased pressures on local	See transport section.

services including local bus routes	
Overlooking and loss of privacy to 29 Station Approach	See paragraph 60
Impact of deliveries and servicing vehicles on local streets	See paragraphs 102-104
Proposed development would lack adequate amenity space for residents	See paragraphs 77-81
Proposed units would not be genuinely affordable for local people, question viability	See paragraphs 8-21
Increased crime and anti-social behaviour	The development has been designed with SBD principles in mind and there are not considered to be any specific concerns in this regard.
Noise and disturbance to proposed flats from underground line	See paragraphs 118-119

Sudbury Town Residents Association Forum have raised objections on the following grounds:

Objection	Response
Historic air-raid shelter and WWII bunker within/ beneath the Station is a site of archaeological interest which has not been fully considered as part of the proposals by the Council or Historic England	Both Historic England and the Council's Heritage Officer are satisfied that heritage and archaeological interests have been fully considered in connection with the proposed development.
Proposals do not meet the Mayor's policies on fully inclusive and accessible design	See paragraphs 82-83
Proposals fail to provide a mix of housing types to meet Brent need, including lack of wheelchair units, Older Persons housing or for catering for large families	See paragraphs 8-21
Lack of sufficient parking, increase stress on surrounding streets	See paragraphs 96-100
Proposed 4-5 storeys would be out of scale with surrounding character and appear too dominant	See paragraphs 29-37
Proposed design and materials (windows, roof profile, lack of active frontage) all out of keeping	See paragraph 38
Removal of trees contrary to policy and harmful to biodiversity	See paragraphs 129-131
Preliminary Environmental Study insufficient and inconclusive in regard to contaminated land	See paragraph 123
Impact of proposals on ground stability, issues not fully assessed/ considered	See paragraph 123
Insufficient details to assess impacts of proposed development on local air quality	See paragraphs 116-117



Proposed development would destroy SINC/ Wildlife corridor adjacent to underground line	See paragraphs 129-133
Ecological Appraisal not sufficient, needs further consideration	See paragraphs 132-133

Furthermore, a petition with 522 signatures has been received, from adjoining occupiers and users of Sudbury Town Underground Station. The petition states that the signatories object to the sale of Sudbury Town Underground Car Park, on the basis that this is the only station that is completely step-free from the car park to the station platforms, with no assistance required. The petition also states that the step-free access from car park to both platforms is vital, since the nearest neighbouring underground stations, Acton Town and Uxbridge stations do not have car parks, and passengers require assistance at Hillingdon station. This means that 80 parking spaces\* are required at all times, and the three retained disabled spaces would be inadequate to meet both current and future demands.

Officer comments: These issues are addressed in further detail within the Highways and Transportation section of the main considerations below. \* Please note that there are 84 spaces within the car park.

Cllr Stephens raised objections to the proposals by email on 19/05/19. The main grounds for objections can be summarised as follows:

- The proposals would not accord with Brent's policies on affordable housing, including the need for a wider mix of units including family housing, affordable rented and owned housing at a much lower percentage of market value, and social rented accommodation
- Lack of viability assessment for providing social rented accommodation as part of the proposals
- Range of costs and affordability issues relevant to Brent residents aren't stipulated in the development
- Loss of car parking next to Station will put pressures on surrounding roads
- Surrounding streets outside of CPZ and therefore 'car-free' restrictions can be easily got around
- Insufficient disabled parking spaces for proposed development
- Impact of noise from adjoining Piccadilly Line trains on potential future occupiers of development has not been adequately considered;
- Significant amount of 'unsightly and derelict' land to be retained, including a TFL depot
- Lack of acknowledgement of noise from buses and TFL-related activities
- Lack of adequate amenity space for future occupiers

Cllr Daly raised initial objections to the proposals by email on 15/05/19. The main grounds for objection can be summarised as follows:

- Disputes claims made by the applicant that the Pocket product offers affordable intermediate housing
- Lack of genuine mix and affordability in housing offer, failing to meet Brent policies
- Loss of light and overlooking to 8-12 Barham Close and 27 and 29 Station Approach
- Proposals within 4 metres of properties on Barham Close
- Overlooking to properties on Station Approach and Barham Close resulting from proposed roof terraces
- Proposed noise and disturbance from underground line and lack of consideration from activity from buses and activity from TfL depot
- Lack of adequate, high quality private or communal amenity space - communal courtyard required as a turning area for utility and emergency vehicles, therefore not properly usable
- Lack of wheelchair accessible units and no disabled parking for future residents
- Impact on parking stress levels within the surrounding streets, would not be curbed by the proposed 'car-free' scheme
- Proposed development should not dominate views of the Grade II listed building

10 letters of support were received from residents and people working in the Borough during the initial consultation stage. The grounds for support are summarised as follows:

- Proposed development would be a good use of currently underused land;
- Proposals would enable young people to get onto the housing ladder, which it is out of reach for many of those currently living in the Borough due to house prices being unaffordable;

- Proposed site is in a sustainable location, with Sudbury having good bus and tube connections

### **Re-consultation on revised proposals - October 2019**

A further 21-day consultation exercise was undertaken in October 2019, with all those initially notified and those objecting during the first consultation period being sent letters notifying them of the proposed changes. A total of 8 further responses were received as a result of this exercise, largely re-iterating previous concerns, in particular the impact of loss of car parking spaces for people using the Station with mobility impairments (including those who don't have Blue Badges).

Further objections were received from STRA in November 2019, re-iterating initial comments and also making the following additional comments:

Objection	Response
Proposed mitigation measures outlined in applicant's acoustic report insufficient and not in compliance with UK or European legislation	See paragraphs 118-119
Reduction in height of blocks does not overcome concerns over building being intrusive and overbearing to Station	See paragraphs 22-37
Not all relevant views from important surrounding vantage points taken into consideration	See paragraph 28
Policies don't support loss of short-term public parking or lack of parking provision within application site	See paragraphs 2, 84-95
No proposed parking for the 5 wheelchair accessible dwellings, and lack of ability to prevent disabled residents using the retained parking spaces for Station users	See paragraphs 92-94
Although wheelchair accessible units now proposed, no wheelchair adaptable units	See paragraphs 82-83
Overshadowing to Station, harming views and the setting of the listed building	See paragraphs 22-28
Query over accuracy of daylight and sunlight study findings	See paragraphs 40-50
Proposals would harm local air quality conditions	See paragraphs 116-117

A further 24 letters of support were received from residents and people working in the Borough, re-iterating the perceived benefits of the scheme in terms of affordability and use of an un-developed site.

Further objections were raised by Cllr Daly on 02/12/19, following the receipt of revised proposals and a subsequent re-consultation exercise. As well as re-iterating initial concerns, further grounds for objection can be summarised as follows:

- The applicant has not undertaken adequate parking surveys to demonstrate that the existing car park is underused, particularly in regard to the three disabled spaces;
- Proposal discriminates against disabled users/ those with mobility problems who do not hold Blue Badges, but still require access to the car park on a regular basis in order to travel via the Station. Inadequate and unsafe parking spaces on street are not a feasible alternative;

- The retained disabled spaces will be shared by online supermarket delivery vans and other servicing vehicles, and therefore won't always be available;
- Proposals would result in overshadowing and loss of daylight and sunlight to 29 Station Approach, particularly to their rear garden and shed.

### **Statutory/ External Consultees**

#### **Historic England**

No objections following revised submission, removing fourth storey of Block A, and façade changes.

#### **London Underground:**

No objections subject to conditions ensuring that the applicant enters into an agreement requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network.

In addition, a condition requiring a revised Noise and Vibration assessment to include an allowance for future worsening (night time operation and track ageing), vehicle movements through the site serving the track compound and noisy works within the track compound at any time.

#### **Transport for London (Spatial Planning)**

No objections, subject to conditions requiring:

- A parking design and management plan to be submitted for approval prior to occupation of any units, in order to ensure at least one disabled space is secured for occupiers of the flats;
- A delivery and servicing management plan to be submitted and approved prior to occupation;
- A revised Noise and Vibration Assessment to include allowance for future noise worsening, vehicle movements etc related to the adjoining underground line and TfL depot;
- Details of protective measures (as agreed with TfL) to adequately protect the Transport Undertaking and Assets in carrying out works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network;
- A Construction Management Plan prior to any works commencing.
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**Officer comments:** TfL have subsequently confirmed that these details of protective measures can be secured by a pre-occupation condition, rather than pre-commencement.

#### **Thames Water**

No objections subject to conditions requiring the submission of a Piling Method Statement before works commence, and appropriate informatives.

#### **LB Ealing**

No objections, subject to a £20,000 payment to LB Ealing secured via s106 agreement to enable review of its Controlled Parking Zone and to seek to implement any changes that are deemed necessary.

#### **London Fire Brigade**

No objections subject to confirmation that there is a sufficient turning facility between the two buildings for a fire engine to turn round.

**Officer comment:** This was confirmed within the revised design and access statement.

### **Internal consultation**

#### **Environmental Health**

Environmental health supports the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact. See detailed considerations section of report for further comments on these issues.

## **POLICY CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010, Brent Development Management Policies 2016 and Sudbury Town Neighbourhood Plan 2015.

Material Considerations include the NPPF, the PPG and the Mayor's and Council's Supplementary Planning Guidance.

Key policies include:

### **Regional**

#### **London Plan 2016**

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality

### **Local**

#### **Brent Development Management Policies 2016**

- DMP 1 - General Development Management Policy
- DMP 7 - Brent's Heritage Assets
- DMP 8 - Open Space
- DMP 9 - Waterside Development
- DMP 9a - Managing Flood Risk
- DMP 9b - On Site Water Management and Surface Water Attenuation
- DMP 12 - Parking
- DMP 13 - Movement of Goods and Materials
- DMP 15 - Affordable Housing
- DMP 18 - Dwelling Size and Residential Outbuildings
- DMP 19 - Residential Amenity Space

#### **Brent Local Development Framework Core Strategy 2010**

- CP 1 - Spatial Development Strategy
- CP 2 - Population and Housing Growth
- CP 5 - Placemaking
- CP 6 - Design and Density in Place Shaping
- CP 15 - Infrastructure to Support Development

CP 17 - Protecting and Enhancing the Suburban Character of Brent  
CP 18 - Protection and Enhancement of Open Space, Sports and Biodiversity  
CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP 21 - A Balanced Housing Stock

#### Sudbury Town Neighbourhood Plan (2015)

The Sudbury Town Neighbourhood Plan forms a part of the Development Plan and the site falls within the Neighbourhood Plan area. However, there are no policies within the Plan that are considered to be relevant to this proposal. The neighbourhood plan does not allocate or identify any sites for development. The primary focus of the neighbourhood plan is on improving the quality of the town centre. The objectives of the plan include improvements to the quality of streets and spaces, a better mix of shops, improved green spaces, better conditions for pedestrians and cyclists, and promoting the redevelopment of existing inappropriate town centre uses to enhance the High Street and provide better facilities for local people.

#### Brent Supplementary Planning Guidance Documents

Brent Supplementary Planning Guidance:  
SPD1 Design Guide for New Development

The draft London Plan has been subject to an Examination in Public and an “Intend to Publish version” has now been published. This now carries greater weight in the assessment of planning applications.

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Key relevant policies include:

#### **Draft London Plan (intend to publish version) 2019**

Key policies include:

D4: Delivering good design  
D6: Housing quality and standards  
H1: Increasing housing supply  
H2: Small Sites  
H4: Delivering affordable housing  
H10: Housing size mix  
T2: Healthy Streets  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T6: Car parking

#### **Brent's Local Plan**

Key policies include:

BP7: South West  
BD1: Leading the Way in Good Urban Design  
BD2: Tall Buildings in Brent  
BH1: Increasing Housing Supply in Brent  
BH5: Affordable Housing  
BH6: Housing Size Mix  
BH13: Residential Amenity Space  
BG12: Trees and Woodlands  
BHC1: Brent's Heritage Assets  
BT2: Parking and Car Free Development

## **DETAILED CONSIDERATIONS**

## **Principle of development**

1. The proposed development would replace an existing car park containing 84 spaces (which includes three disabled bays), serving users of Sudbury Town Underground Station, with two residential blocks providing 52 flats and three disabled parking bays for users of the station.

### Loss of car park

2. Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land, including car parks. The site contains a car parking area providing 84 spaces. The loss of a car park in this location is considered to be acceptable in principle, subject to further consideration of the impacts of parking displacement and other parking matters which will be assessed in detail later in this report.

### Re-use for residential accommodation

3. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. Brent's Core Strategy Policy CP1 also aims to concentrate housing growth in well located areas that provide opportunities for growth, creating a sustainable quality environment that will have positive economic impacts on deprived neighbourhoods that may surround them.

4. Policy H1 of the draft London Plan encourages the re-development of brownfield sites such as car parks in order to optimise capacity, and support Brent in its target to supply 23, 250 homes over the next ten years. Furthermore, Policy H2 also supports the intensification of small sites (up to 0.25ha) in order to help meet these targets, and particular on sites in areas close to public transport nodes, such as this.

5. The draft Brent Local Plan identifies Sudbury Town Car Park as Site BSWSA13 within the Site Allocations list. It has been recognised that this site has potential for residential development, with an indicative 30 homes being provided (this number is based on a conventional mix being proposed).

6. The site is located within an area with a very good PTAL rating, directly next to Sudbury Town Underground station and a number of bus routes, in an area which has a predominantly residential character. It is within 5-10 minutes walking distance of nearby shops and amenities, including Barham Park to the north. The re-use of the car park for residential purposes has also been acknowledged within Brent's draft Local Plan Review which allocates the site for 30 homes (based on a conventional housing mix).

7. On this basis, the principle of using the site for residential accommodation is therefore supported, subject to all material planning considerations being fully assessed, including the proposed mix of units in terms of size and tenure, the quality of accommodation and other significant issues.

## **Affordable housing and mix**

8. The NPPF states that planning policies should expect affordable housing to be provided on site.

9. Policy DMP15 (a) of the Brent Local Plan sets the target for 50% of new homes delivered in the borough to be affordable. The policy seeks maximum reasonable affordable housing to be sought in individual applications. Part b of the policy states that, in regard to the affordable housing element, 70% of this should be either social/affordable rented housing, and the remaining 30% should be provided at an intermediate rate, meeting local needs. This tenure split is reinforced in policy BH5 of Brent's draft Local Plan.

10. London Plan Policy 3.12 states that boroughs should seek the maximum reasonable amount of affordable housing on individual private residential and mixed-use schemes. London Plan Policy 3.11 seeks a split of affordable housing to a ratio of 60% social/affordable rent and 40% intermediate rent/sale.

11. However, Policy H6(A) of the draft London Plan changes this slightly, setting out a requirement for the following tenure split in relation to affordable products for residential development:

- 1) a minimum of 30 per cent low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes
- 2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership

3) the remaining 40 per cent to be determined by the borough as low cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.

12. Furthermore, policy CP21 seeks for an appropriate range and mix of self contained accommodation types and sizes, including family sized accommodation (capable of providing three or more bedrooms) on suitable sites providing 10 or more homes. Policy CP2 has a strategic target of 25% of new homes within the Borough being family sized units. This is reinforced within emerging policy BH6 which can be given some weight.

13. Pocket units are sold at a minimum of 20% below market value. Purchasers must earn below the GLA intermediate affordability household income threshold levels (currently £90,000), not own another property and must live or work in the Borough in question in the first instance. These eligibility restrictions also apply to re-sales and as such the properties remain affordable in perpetuity and would be secured through a S106 agreement. Pocket Living advise that their average salary across their developments is £42,000 and thus is considerably below the GLA threshold. However, actual salary levels will vary between developments and areas.

14. On this basis, officers accept that the proposed units would meet the definition of 'affordable housing' as set out within the NPPF. However, all of the units would be offered at an intermediate rate (discount market rate), and therefore the scheme would be contrary to Policy DMP15(b) of the Local Plan, and both Policy 3.11 and emerging Policy H6 of the London Plan as no flats would be offered at a social or affordable rate. It is also important to note that the scheme would provide 100% 1-bed units, and therefore there would be no mix of unit sizes, including any family-sized units, contrary to Policy CP21 which specifies that schemes should include a proportion of family sized accommodation.

15. As with other schemes which do not deliver policy compliant levels of affordable housing, a Financial Viability Assessment (FVA) has been submitted with the application, to demonstrate that a higher proportion or policy compliant mix would not be viable. This has also been revised in order to account for the reduction in number of proposed units from 61 to 52.

16. The FVA has suggested that 11 Affordable Rented homes and 5 Intermediate homes could viably be provided within a notional conventional scheme (i.e. a scheme which provides a mix of units, and a 50% affordable scheme with a 70:30 social: intermediate split). However, it is also important to note that:

- (a) it has also been concluded that the proposed 100% intermediate rate scheme would not be financially advantageous to the applicants, when assessed against this notional conventional scheme; and
- (b) the proposed scheme would deliver 20 more units on the site, i.e. 52 rather than the 32 which would be provided by a notional conventional scheme.

c) for the avoidance of doubt, an application for a conventional scheme has not been made on this site and is therefore not under consideration. There are further constraints relating to this site that would suggest that a conventional mix of unit sizes also may not be appropriate and this is discussed below.

17. Notwithstanding that the proposed scheme would not be more financially advantageous to the applicants compared to a notional conventional scheme, differences between some of the applicants' and the Council's assumptions (notably on predicted sales values) have been identified. Using mid-points of these assumptions, the scheme is considered to result in a £197,181 surplus above the base appraisal. Noting that the scheme already provides 100% affordable housing, officers consider that this level of contribution is appropriate and the payment would be sufficient to fund the provision of 2 off-site affordable rented, 3-bedroom units within an alternative scheme in the Borough, if used in a similar way to affordable housing grant (precise details of which would be agreed in discussions with LB Brent Housing officers). This would be secured via the section 106 agreement. In light of the particular circumstances of this site, the applicant has agreed to make this contribution to the provision of off-site affordable housing.

18. Additionally, officers consider that some weight should be placed on the evidence which has been submitted by the applicants, in the form of their "Assessment of Demand for Affordable Homes for First Time Buyers in Brent", which demonstrates that the size and type of affordable housing proposed is needed in this location. The assessment does provide evidence that there is demand for 1-bed homes of around 1,100 per annum within the Borough, and that the flats (which would be made for sale, rather than for rent) would appeal to a growing number of people living and working in the Borough who are interested in low cost ownership initiatives.

19. Furthermore, the affordable housing demand assessment highlights that there is evidence that intermediate housing completions within Brent have been low in recent years (between 2015/16 and 2017/18 there were 96 intermediate housing completions, out of a total 6,297), and that there is a particular lack of

one-bedroom intermediate provision within this part of the Borough, characterised by family housing, which the proposals would help to address. It is noted that 2018-19 Intermediate completions are higher (208 homes). However, there continues to be significant need for intermediate homes.

20. With particular regard to the lack of mix, officers also place some weight on the particular site circumstances. The site is highly constrained, bounded the Underground line to the south and requiring 24 hour access to be maintained to the TfL depot to the immediate south-east. As outlined in later sections, constraints also exist in terms of the proximity to the Grade II\* listed station, and the proximity to adjoining residential properties which mean that both height and site coverage have been impacted. Given these circumstances, while some mix of units would be preferred, officers acknowledge that the site is not ideally suited to the provision of family-sized units.

21. In conclusion, officers have carefully weighed up the significant benefits presented by Pocket's particular housing proposal and the 100% affordable housing this would represent, against the policy conflicts which do exist in terms of the lack of units provided at a social/ affordable rate, and the lack of unit size mix. Officers consider that the additional off-site contribution towards affordable housing, enabling the provision of family-sized accommodation elsewhere in the Borough, provides sufficient justification to ensure that the scheme would accord with the objectives of Policies CP2, CP21, DMP15 and Policy 3.11 of the London Plan, as well as emerging local and regional policies, despite not being in accordance with the Affordable Housing tenure mix specified within those policies nor the provision of any family sized units being delivered on site.

### **Heritage and impact on the Grade II\* listed station**

22. Section 12 of the NPPF deals with conserving and enhancing the historic environment, in paragraphs 126 to 141. The NPPF places much emphasis on heritage 'significance', which it defines in 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

23. Paragraph 126 of the NPPF encourages local planning authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. On the other hand the same paragraph recognises the fact that new development can make a positive contribution to local character and distinctiveness, which is one of the factors to be taken into account, and that, is reiterated again in paragraph 131.

24. Paragraph 131 indicates that a number of considerations should be taken into account, first of which is the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also requires taking into account sustainable communities, including economic vitality, as well as local character and distinctiveness.

25. Brent Policy DMP7 relates to heritage assets together with emerging Local Plan Policy BHC1, Policy 7.8 of the adopted London Plan and HC1 of the draft London Plan. These policies set out that proposals should demonstrate a clear understanding of the significance of the heritage asset, provide a detailed analysis and justification in relation to potential impact, retention of structures and features where their loss would cause harm, to sustain and enhance the significance of the asset and to contribute to the distinctiveness, form, character and scale of the asset. They set out the need to conserve their significance and avoid harm.

26. The Council's Heritage officers and Historic England have reviewed and commented on the proposals. Historic England initially raised objections to the height of Building A, commenting that the fourth storey element would make this block appear bulky and tall in comparison with the listed station, and the fenestration not being in harmony with the three-storey element. The heritage officer confirmed that while Building A was well-designed to reflect the character of the modernist-style station, the fourth storey element meant it was disproportionate to the rest of the façade, in turn causing harm to the setting of the Grade II\* listed station.

27. The revised proposals have simplified the form of the new Building A, removing the fourth storey from the scheme. The building closest to the station would now be a simple rectangular block of three storeys, with a façade designed with a regular rhythm of windows to solid brick, using high quality materials and fenestration detail which would successfully refer to the adjacent listed station. The heritage officer confirms that the revised form of building A would now be of a very high quality, and would not compete visually with the station. In this way, it would sustain and enhance the significance of the heritage asset, and comply with both Brent and London Plan policies. It has also been confirmed that Building B would not affect



the setting of the Station, nor impair views to it when looking down Station Approach, given its significant set back from street level.

28. Both Historic England and the heritage officer have confirmed that their initial objections have been overcome as a result of the revisions. Wider views of the blocks from surrounding vantage points have been assessed, including from the Station platforms, and from both Station Approach and Orchard Gate. The proposals would not be harmful to the setting or special character of the Grade II\* listed station, and would therefore comply with Policy DMP7 of the Local Plan, and the overarching aims of the NPPF.

### **Scale, height, layout and massing**

29. Brent Policy DMP1, emerging policy BD1 and Brent SPD1 promote high quality design that is appropriate for its context. Section 3.1(a) of SPD1 (Sites appropriate for tall buildings) states that 'tall buildings will only be encouraged in areas identified as appropriate for tall building and be of outstanding design, following best practice guidance'. The supporting text explains that tall buildings are defined as structures that are more than 6m taller than the local context, or 30m and over. It states that 'new development should optimise the potential of the site while respecting the existing context and character and make efficient use of land through good design.'

30. Emerging policy BD2 (tall buildings in Brent) also reflects this approach, directing tall buildings to the zones identified on the proposals maps, intensification corridors, town centres and those identified in site allocations. Outside of those areas, this policy specifies that tall buildings will only be permitted on sites of a sufficient size to successfully create a new character area while responding positively to the surrounding character and stepping down towards the site edges. The taller element of Building B would be a maximum of five storeys, which is between two and three storeys taller than the surrounding context, and therefore would be classified as a 'tall building' as defined under SPD1. Although this site is not defined as being appropriate for tall buildings within the emerging Local Plan (i.e. an Intensification Corridor or within a town centre), it is considered that there is justification for an increase in height above the prevailing context due to the high public transport accessibility associated with the proximity to the tube station, the overall high quality design of the scheme presented, and the fact that the setting of Grade II\* listed station would be preserved.

31. With regard to site layout, the revised proposals would create a three-storey rectangular block to the north-west of the site (Building A), and a part-three, part-five storey block to the south-eastern part of the site (Building B), with a central courtyard separating the two. Officers consider this to be the best approach given the site's constraints, bordered by the listed station to the east, the underground line to the south, and adjoining residential properties to the north and north-east. The residential units at ground floor level facing towards the station will ensure an active frontage, while the quality of the communal courtyard has been improved to ensure a good quality public realm and a good level of natural surveillance between the two blocks.

32. A separation distance of between 9 and 15 metres would be maintained between the two blocks. Building A would be set away from Sudbury Town Station by 10 metres, and increased separation distances have been proposed to both No. 29 Station Approach (a minimum of 5.5m maintained to this boundary) and the rear gardens of Barham Close. The relationships are reviewed in more detail below, and assessed in relation to the specific guidance set out in SPD1.

### **Building A**

33. With regard to its bulk and massing, the revised three-storey block ensures it would remain suitably subservient to the Grade II\* listed station, particularly when seen in public views from Station Approach, as well as ensuring a more comfortable transition from the two-storey terraced properties to the immediate north. At the same time, the building would maintain a strong, distinct presence which is important given it directly addresses Station Approach, and would be viewed by large numbers of people using the Station and adjacent bus routes.

34. The massing of the block is broken up successfully by the proposed fenestration pattern and detailing to the front elevation, having a clear base, middle and top. A number of CGIs from key vantage points in the surrounding area have been submitted by the applicants, including from Station Approach, Orchard Gate (to the south) and the station platforms. The views demonstrate that the block would not appear overly dominant or overbearing when seen from these vantage points, and Historic England agree with this view.

### **Building B**

35. Building B proposes a part 3-5 storey building, which is positioned towards the south-eastern side of the site. The building would be broken up into two main blocks (west and east), ensuring it would not have an overly horizontal emphasis. The five-storey element maintains at least a 9m distance to Building A through the courtyard, helping to reduce the impact of this additional bulk when seen from surrounding properties.

36. The revised design would ensure that the three-storey element of the scheme would maintain a minimum of 4.6m to the northern boundary of the site, which abuts the rear gardens of properties on Barham Close. The proposals would also retain some degree of set back to both the Underground line to the south, and the TfL depot to the east, ensuring that the block does not appear cramped or overbearing when seen from surrounding properties and key vantage points.

37. The proposal is considered to accord with adopted and emerging policy with regard to its height, scale, layout and massing.

### **Architecture and materiality**

38. As alluded to in para. 27 above, the proposed architecture and materials have been carefully considered and would achieve a very high quality appearance, particularly to the front façade of Building A, which addresses Station Approach and the Grade II\* listed station. The palette of materials is relatively simple, with the buildings predominantly built in a light multi buff brick, with concrete lintels used to divide the bays vertically, which replicates the profile of the station. The windows and doors would be framed in powder coated aluminium, and further details of these materials, including paving, balustrading to balconies and entrances would be conditioned to ensure a high quality finish for officers' approval. The proposed development is considered to accord with adopted and emerging policy with regard to architecture and materiality.

### **Impact on neighbouring amenity**

39. Brent Policy DMP1 sets out that development should provide high levels of both internal and external amenity. The Council's Supplementary Planning Document (SPD1) sets out a number of parameters for the consideration of potential impacts on the amenities enjoyed by neighbouring occupiers. Objections have been raised regarding the potential impact of the proposed development on neighbouring amenity, most particularly to Nos. 29 Station Approach and the rear gardens of properties on Barham Close.

### Daylight

40. The applicant has submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties, utilising the recommendations set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2011)' document. Officers are satisfied that the report successfully identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:

- 8 to 12a Barham Close
- 7 & 29 Station Approach
- 48 to 56 Orchard Gate
- Sudbury Town Station and
- the garages to the rear of 29 Station Approach

41. BRE guidance (para. 2.2.4) specifies that loss of daylight to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window.

42. On this basis, the rear facing windows of Nos. 4 - 7 Barham Close, to the immediate north/ north-east of the site, would be at least 48 metres away from the five-storey element of Building B, which has a maximum height of 17.5m. Given a typical existing ground floor window would be 1.5m above ground level, the impacts on these windows more than  $3 \times (17.5 - 1.5) = 48\text{m}$  away need not be analysed. Officers are therefore satisfied that there would be no harmful impact on light levels to these properties.

43. For daylight, an assessment was undertaken using two tests, namely the Vertical Sky Component (VSC) and, where room layouts are known, Daylight Distribution (or No Sky Line) (NSL) in line with BRE guidelines. The results of these tests for the properties identified above is summarised as follows:

44. 8 to 12a Barham Close

These properties are situated to the north/ north-east of the site, with the rear windows of these properties being more than 30 metres away from the nearest part of Building B. The report identifies that all windows would be within 0.8 times their former value, with only small losses in VSC being recorded. A daylight distribution test has been carried out to Nos. 9 and 12a Barham Close, which also demonstrates that there would be either no or a negligible impact on levels of daylight. No NSL testing has been carried out to No. 8, 10, 11 or 12 Barham Close; however the drawings clearly demonstrate that Building B would pass a 25-degree test to the ground floor rear facing windows of these properties, and therefore officers are satisfied that no further analysis of daylight loss would need to be undertaken, in line with BRE guidance.

45. 27 and 29 Station Approach

These properties are situated to the north/ north-west of the site, with the rear facing windows approximately 9-10 metres away from the nearest part of Building A. The report identifies that there would be no adverse impact on these neighbouring windows, passing both VSC and NSL tests, aided by the revised set back in Building A from the boundary to No. 29, and the part-reduction in height of this block.

46. 48 to 56 Orchard Gate

These properties are situated to the south / south-west of the site, on the other side of the Underground line, with the rear facing windows approximately 35-40 metres away from the blocks. Again, the report identifies that there would be no adverse impact to any windows of these properties, all retaining at least 0.9 times their former value.

47. Sudbury Town Station

The Station sits to the immediate west of the site. The report identifies some windows which would experience a significant adverse impact as a result of the proposed development. However the majority of windows would retain values of at least 0.8 times their former value, and it must be acknowledged that the windows affected are non-domestic and therefore do not have the same requirement or expectation of daylight, as recognised by the BRE guidelines.

48. Garages to rear of 29 Station Approach

The commercial garages sit to the north of Building A, and the report identifies that one of the windows would experience a minor adverse impact (VSC level of 0.76 times the former value). However, again it must be acknowledged that this window would be 'non-domestic' and therefore does not have the same expectation of daylight, as set out in the BRE guidelines. On this basis, the proposed development would be acceptable in terms of impacts on neighbouring daylight levels.

### Sunlight

49. With regard to sunlight, an assessment was undertaken in line with BRE guidelines, testing for adverse affects to all habitable rooms which have a window facing within 90 degrees of due south. The tests undertaken consider loss of annual probable sunlight hours (APSH), and loss during winter sunlight hours (WPSH).

50. The report identifies that there would be some impact during winter months to rear habitable windows serving both Nos. 8, 9B and 10 Barham Close, and 29 Station Approach which receive less than 5% of APSH between April and September, and would have a WPSH less than 0.8 times their former value as a result of the proposed development. However, the total reduction in sunlight received to these windows over the whole year would not exceed 4% of its APSH, and therefore on balance, the proposals would comply with BRE guidelines in regard to sunlight.

### Overshadowing to gardens and open spaces

51. The BRE guidance recommends that at least 50% of the area of external amenity spaces (including gardens, playgrounds, sitting out areas) should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

52. The assessment undertaken demonstrates that there would be some overshadowing impact to neighbouring gardens, particularly those to the north on Barham Close. However, all gardens would benefit from more than 50% of their areas retaining at least two hours of sunlight on 21st March.

#### Outlook and sense of enclosure

53. With regard to outlook, SPD1 specifies that developments should normally be situated below a 30-degree line taken at a 2m height above floor level within the habitable rooms of the associated dwellings. In addition, new developments should sit within a line drawn at 45 degrees from neighbouring private amenity space (measured at 2m above ground level).

54. Particular concerns were raised by officers regarding the potential impacts of the originally proposed blocks on No. 29 Station Approach, and the rear gardens of Nos. 1-9 (consecutive) Barham Close, in terms of their height and massing, which would be contrary to SPD1 advice above. Building A has been set further away from the side elevation of 29 Station Approach, ensuring it would now be a minimum of 5.5m from the boundary to this property. This, together with the reduction in height, ensures that the objectives of SPD1 have been met by respecting both the 30-degree and 45-degree rules to this property.

55. Officers also raised concerns about the proximity of Building B to the rear gardens of Nos. 1-9 Barham Close, particularly given the height and massing of the block to the south-east portion of the site. It is important to note that at least 30m is maintained between this block and the main rear elevations of these properties to the immediate north on Barham Close, and in some cases this increases to more than 55m. However, these properties are characterised by having generally, long, narrow rear gardens which extend more than 30 metres and immediately abut the northern boundary of the site.

56. In response to this, the applicants have carried out a thorough and detailed analysis of the relationship between the proposed development and neighbouring gardens to the immediate north (Nos. 1-9 Barham Close). The table below summarises this relationship between the block and these rear gardens further, and explains where mitigating factors exist to offset the harm resulting from the blocks to these properties:

Address	Comments
1 Barham Close	Doesn't benefit from a garden; property would be more than 55m away from application site
2 Barham Close	Rear garden more than 10m away from northern boundary of site; property more than 55m away
3 Barham Close	Tall trees/ vegetation to rear garden immediately adjoin the site boundary, thereby ensuring that there would be no direct overlooking resulting from the proposed block
4 Barham Close	Rear garden does not extend the full depth as with adjoining properties, and ends more than 25m away from the site boundary
5 Barham Close	Large shed exists to the far end of the site, and also has tall foliage/ screening which ensures there would be no significant sense of enclosure or overshadowing impacts
6 Barham Close	Rear garden does not extend the the full depth as with adjoining properties, and ends more than 15m away from the site boundary
7 Barham Close	Directly adjoins site and appears well kept, would be SPD1 breach – see detailed comments below
8 Barham Close	Directly adjoins site and appears well kept, would be SPD1 breach – see detailed comments below
9 Barham Close	Directly adjoins site and appears well kept, would be SPD1 breach – see detailed comments below

57. Having identified the potential for significant overshadowing and increased sense of enclosure to the rear gardens of Nos. 7, 8 and 9 Barham Close, the height of the block has been partly reduced from 5 to 3 storeys, where it sits directly adjacent to these three rear gardens. Officers acknowledge that despite this reduction in height and massing, there would still be a technical breach of the SPD1 guidance, given the block would remain a minimum of 4.6 metres from these garden boundaries. However, the applicants have demonstrated that this reduction would minimise the breach significantly, accounting for only the 4 metres of garden furthest away from the respective properties. Given these gardens all measure at least 30 metres long, this effectively reduces the proportion of 'impacted' garden from approximately 33% to approximately 13%.

58. On this basis, although Building B would fail to fully accord with the guidance in Principle 5.1 of SPD1, it is considered that the proposals would not unduly harm the neighbouring amenity of the occupiers of Nos. 7, 8 and 9 Barham Close, and therefore would accord with Policy DMP1 of the Local Plan.

#### Overlooking / privacy

59. Section 5.1 (Privacy and amenity) of SPD1 states that directly facing habitable room windows will require a minimum separation distance of 18m, while a distance of 9m should be kept between gardens and habitable rooms or balconies.

60. The revised proposals ensure that a minimum distance of 5.5m would be maintained between the north elevation of Building A and the boundary to the rear garden of No. 29 Station Approach, which increases to over 9m nearest to the rear elevation of this property. Although not fully compliant with SPD1 in this regard, it is noted that there would be no windows serving habitable rooms looking directly towards the rear garden of this property, with the only openings on this elevation serving the communal stairwell to this block. The proposed drawings indicate that these windows would be obscure glazed; officers have recommended a condition to ensure this remains the case for the lifetime of the development. The main windows to this block would be north-east and south-west facing, ensuring that any views to No. 29 Station Approach would be at obscure angles.

61. As outlined in earlier sections of the report, the impact of Building B is significantly mitigated by the long gardens present to the rear of properties on Barham Close (particularly Nos. 7, 8 and 9), with at least 30 metres maintained between the north elevation of this block and the nearest rear facing habitable windows of the adjoining properties, thus significantly exceeding the minimum 18m separation distance between directly facing habitable room windows as set out in SPD1. In addition, some of the potentially affected gardens have large outbuildings or significant existing vegetation which is considered sufficient to mitigate the potential impact. However, the south-eastern-most three gardens are relatively open to the rear, Nos. 7, 8 and 9 Barham Close.

62. The building reduces to three storeys nearest to these properties, however a distance of 4.6 metres (minimum) would be maintained from the northern boundary where it meets these gardens. There are four flats with habitable room windows that face those gardens, two on the first floor and two on the second. However, as discussed above, the gardens are very long, and the rearward-most 4.4 m of the gardens which are typically in excess of 35 m in depth would be affected. One of the gardens (7 Barham Close) currently has a chain-link fence which allows views through from the car park into the garden, so levels of privacy for this property would actually increase as a result of this proposal. It is also noted that the opposite end of the affected gardens (immediately to the rear of the houses within those properties) are splayed, and there already exists a greater level of overlooking of those gardens from the adjoining properties than a typical property with a relatively straight rear garden. On balance, it is not considered that further mitigation is required given the length and nature of those gardens, existing levels of over-looking and the number of windows that would fall short of the 9 m distance set out in SPD1 (from habitable room to garden).

63. A communal roof terrace is also proposed above the three storey element of Building B. However, this would be set back from 1.8m from the northern parapet, thereby ensuring that it would maintain a separation distance of between 6.5m and 8.5m to the boundary with rear gardens of Nos. 7-9 Barham Close, and more than 40 metres to the nearest rear facing windows of these properties. Planters and landscaping, as well as an indicative balustrading are shown to this elevation to further mitigate any overlooking impacts. However, precise details of this screening would be secured by condition before any of the units are occupied, to ensure that there is no loss of privacy to occupiers to the immediate north of the site. While the terrace would not be any closer than the windows discussed within the previous paragraph, it is considered that the level of over-looking perceived by adjoining residents may be higher, hence why officers consider that approval of proposed screening detail is sought by means of a planning condition.

64. The proposals would result in new openings looking south and east, however given these would look onto the London Underground line and the TfL depot respectively, this relationship is considered acceptable.

65. The proposal is considered to accord with adopted and emerging policies with regard to the impact on surrounding properties and uses.

#### **Quality of proposed accommodation**

##### Minimum floorspace standards

66. DMP18 outlines that the size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. The proposed residential units meet the London Plan floorspace requirements in terms of their overall size, for 1 storey/1 bedroom units respectively at 38sqm. All units also have sufficient levels of internal storage space.

67. The London Plan sought a provision for 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards. The proposals have been revised to ensure that five units would be adaptable wheelchair user dwellings (Building Regulations M4(2)(a)), which meets the 10% requirement, while the remainder would be to M4(2) standard – accessible and adaptable dwellings. This is considered acceptable, and officers recommend a condition is attached to ensure this is achieved.

#### Daylight

68. An Average Daylight Factor (ADF) test has been carried out for the new dwellings which identifies a measurement of the diffuse daylight within a room. This calculation takes into account the size and location of the window, the glazing transmittance, the total area of the room, reflectance of the walls, ceiling and floor (the internal average reflectance) and uses a CIE overcast sky. The ADF assessment demonstrates that all rooms will be fully compliant with the BRE Guidelines.

69. The sun on ground results demonstrate that the majority of the proposed amenity spaces will achieve over 95% of the suggested 2 hours of sunlight, except for garden 10 because of the Sudbury Town Station building. However, the occupiers of garden 10 would also have access to the communal amenity spaces and therefore this small deficiency is considered to be acceptable.

#### Outlook and privacy

70. The Mayor's Housing SPG seeks to avoid single aspect north facing units wherever possible, or single aspect units that are at risk of being exposed to detrimental noise levels.

71. The residential units of Building A would have primary outlook south-east onto the central courtyard, or north-west onto the landscaped frontage of the site. Building B would have primary outlook onto either (a) the TfL depot at the east/ south-east, (b) to the north/ north-east, with over 40 metres maintained to the main rear elevation of properties on Barham Close, or (c) to the railway with over 30m to neighbouring properties beyond.

72. With regard to separation distances between the two blocks, a minimum of 10m would be maintained to the southern element of the blocks, which would increase to approximately 13.8m to the northern portion, across the communal courtyard. The angle of the two blocks ensures that there would be no direct overlooking between windows, and therefore the relationship between the two is considered acceptable.

73. The overall scheme will deliver 36 units which will have true dual aspect, representing about 69% of the total. Given the constraints of the site and its deep length, this is considered to be a reasonable provision and could not be notably increased without losing a significant amount of accommodation. A further 21 of the single aspect flats have either north-east or south- west facing outlook, which is considered to be ideal as there are often problems associated with the provision of units that are solely north facing (lack of direct sunlight) or solely south facing (problems with overheating). Only 6.5% of units would have a north facing, single aspect, which is an acceptable level given the scale of development on the site, its constraints and the high quality of accommodation being provided. It is considered that the level of outlook for all flats is acceptable.

74. The development has secure entrances in locations which are overlooked so as to maintain security, and in turn would overlook public areas in a more positive way than the existing buildings do. This is therefore considered acceptable and will achieve good outlook in line with SPD1. Overall, the general arrangement and layout of the proposed units are considered to provide acceptable separation distances and relationships.

#### Overheating

75. An Energy Statement has been submitted which includes the results of overheating. The Mayor's London Plan seeks to avoid overheating and excessive heat generation within Policy 5.9.

76. The Energy Statement outlines that the proposed development has been designed in accordance with the cooling hierarchy to minimise cooling demand and limit the likelihood of high internal temperatures in

summer months. Mitigation measures such as an appropriate glazing ratio and g-value, high levels of insulation and minimisation of internal heat gains are targeted. Through these measures, the relevant areas of the Proposed Development will achieve compliance with Criterion Three of the Building Regulations Part L (2013).

#### Amenity and play space

77. Brent Policy DMP19 and emerging policy BH13 requires that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sqm per flat. The Mayor's Housing SPG and emerging London Plan policy DH6 set a target of private outdoor space for 1-2 person dwellings. However DMP19 recognises that where this cannot be fully met, the shortfall can be offset through communal amenity space.

78. Based on 52 flats, DMP19 requires 1050sqm of private external amenity space. Only the 11 ground floor flats would have access to private amenity space, ranging from 5.5sqm to 21.4sqm. Overall there is a shortfall in private external amenity space across the scheme by 913sqm.

79. In order to partly mitigate this, the proposal would include a total of 476sqm of communal amenity space in the form of a communal courtyard positioned centrally between the two buildings (329sqm) and a roof terrace above Building B (147sqm), which all units across the two blocks would have access to. The courtyard would also serve as a turning head when required for servicing vehicles. The level of use of this is expected to be low and the courtyard has been designed to be used as an amenity space for when not used for turning. However, it has some effect on the usability of the space.

80. However, justification is provided by the proximity to Barham Park (around 300 metres) and other open spaces, and the lack of any family-sized units. Officers have ensured that the quality of the communal courtyard has improved to ensure this would be a useable, well-enjoyed space by future occupiers. Officers have also considered the implications which would arise from installing balconies to both blocks, which could result in additional levels of overlooking to adjoining properties. A roof terrace to Building A was also omitted following concerns that this would impact on the setting of the Grade II listed building. In addition, PV panels need to be installed to the roof of the both Buildings A and B in order to meet sustainability requirements, and therefore this part of the roof cannot be used as additional communal amenity space. The provision of 1-person dwellings only and the absence of family sized units is also considered to be an appropriate way to help to ensure a good standard of accommodation for future residents. Given the site's particular circumstances, the proposals are therefore considered acceptable on balance.

81. The London Plan requires children play area for major schemes. The applicant's planning statement states that no external child play space has been proposed as the development is of one bed homes and expected to be largely for single people. Furthermore, Barham Park is within 300m of the site, which provides public open space as an off-site alternative option for the future occupiers of the development, which is considered acceptable.

#### Accessibility

82. The scheme has also been amended to ensure 5 of the units would be wheelchair accessible, and therefore is broadly in line with the 10% requirement set out in the London Plan.

83. The proposal is considered to result in a good standard of accommodation for future residents in accordance with adopted and emerging policy, despite the levels of external space which fall below levels set out within policy DMP19, emerging policy BH13 and the Mayor's Housing SPG.

#### **Highways and Transportation**

##### Loss of existing car park (including retention of Blue Badge parking bays)

84. Concerns have been raised from Cllr Daly and from a number of neighbouring residents regarding the impact of the loss of the car park will have on users of the station, particularly those who are not necessarily Blue Badge holders but may have other mobility difficulties which mean they are car reliant, for example the elderly or those who are pregnant.

85. As outlined above, three disabled parking spaces are proposed to be retained for the use of the station at the western end of the site, as required by Transport for London. It should also be noted that there are two Blue Badge spaces available to the southern end of the Station, on Orchard Gate, which are directly

outside the Station and provide alternative step-free access to the Station for users.

86. TfL have made the decision to close the car park (with the exception of the blue badge spaces) to allow the development of this site in line with the Mayor's objective to promote sustainable transport and deliver housing including affordable housing. The provision of the car park is not currently required by any planning condition or obligation and the closure of the car park would not require planning permission. Nevertheless, the proposal involves the development of land that is currently used as a station car park so the potential impacts resulting from the car park's loss on particular groups who may be more car-reliant has been examined, as well as the impacts on parking displacement more generally.

87. To assess its existing level of use, parking beat surveys were undertaken by the applicant over a weekday in November 2018 and a Saturday in January 2019 between 5am and 9pm. On the weekday, this showed car park occupancy peaking at 30 cars between 12-2pm, meaning the car park was no more than 37% parked. On the Saturday, occupancy peaked at 38 cars (46%) between 6-8pm, although the survey attributes some of this to a nearby house, which was observed to be holding a party/ social event on that particular evening. No more than five cars were observed parking within the car park at 5am, so it is very lightly used overnight.

88. The closure of the car park may displace station parking onto surrounding streets. However, there is a Controlled Parking Zone operating on Brent's streets to the north of the station that operates between 8am-6.30pm Mondays to Saturdays, with streets in Ealing to the south also having a CPZ operating between 10-11am and 3-4pm on weekdays. These CPZ's limit on-street parking to residents' permit holders only, so would protect residents from any displaced parking during CPZ hours, particularly by station commuters. The main exception to this is along District Road, which is currently outside of any year-round Controlled Parking Zone (although it is in the Wembley Stadium event day zone).

89. Parking could take place freely after 6.30pm on Brent's nearby streets though and any such impact is likely to be greatest on a Saturday night when about 38 cars could be displaced onto adjoining streets if existing car park users continue to drive to this station, rather than using other modes or driving to alternative stations.

90. The parking beat surveys have also considered parking occupancy along adjoining streets in the area. These suggest that the nearby streets in Brent (Station Approach, Station Crescent, District Road) are fairly heavily parked in the evenings, but that roads to the south of the station in Ealing have a reasonable amount of spare capacity, with Orchard Gate in particular having sufficient spare capacity to absorb all of the parking displaced parking from the car park.

91. It is considered necessary to examine the potential impacts on certain characteristics, including older people, pregnant women or those who feel more vulnerable (particularly late at night) due to their gender or sexual orientation. However, it has been outlined that the Station would still be served by the 204 bus route (which runs via Wembley Central, Colindale and Edgware) and there is a taxi drop-off facility immediately outside the Station, which provide accessible, alternative means of getting to and from the Station. It is also important to note that the CPZ does not currently apply during the evenings or weekends, so those who feel more vulnerable travelling at such times would be able to park on Station Approach after 6.30pm. While there is some reduction in the levels of access for these groups, the loss of the car park (except for blue badge parking) is not considered to result in an unacceptable level of impact on any protected characteristics and would result in a level of access that is commensurate with many other stations.

92. In terms of disabled use, the re-provision of the blue badges within the car park for users of the Station is considered to mitigate impact. However, additional spaces may need to be provided on-street if required during construction, for residents (if the scheme is consented and built) or if additional blue badge spaces are needed in the future. In theory, there is scope to provide an additional Blue Badge space within the local streets if required. Officers consider that a review of this situation can be secured as part of the wider £30,000 financial contribution which has been requested to review CPZs in this part of the borough, through the section 106 agreement, and the applicants have agreed to this.

93. As such, retention of a car park for the station is not considered essential (aside from disabled parking) as it simply encourages Underground users to drive to the station rather than walk, cycle or using the bus. The proposals also accord with both Brent Local Plan policy BT1, and London Plan draft policy T1, which set out overarching objectives to prioritise sustainable modes of travel, with the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041.

94. Transport for London have also confirmed that the proposed loss of the car park is acceptable in



principle, on the basis that the three disabled bays are retained for users of the Station, and would meet expected demand.

95. As outlined above, officers recommend a financial contribution of £30,000 to allow a review of the extent and hours of operation of the adjoining CPZ's in Brent, to address the possibility that increased parking pressure at evenings and weekends does lead to parking problems. This would be secured via a section 106 agreement. LB Ealing have also requested a £20,000 contribution towards a review of CPZs within the Borough, which is considered reasonable given the proximity of the site to Ealing's boundary (the other side of the underground line, to the south) and the likelihood of overspill parking associated with the development affecting them also.

#### Car parking provision for proposed development

96. The site has a PTAL 5 given its proximity to the Station and local bus routes, and this very good access to public transport services means the lower residential parking allowance of 0.75 spaces per 1-bedroom flat set out in Table 6 at Appendix 1 of the adopted DMP 2016 applies. This gives a total parking allowance of 39 spaces and with no residential parking proposed for the flats, maximum standards would not be exceeded.

97. Policy DMP12 does also require that any overspill parking can be safely accommodated on-street though and in this respect, the parking surveys mentioned above do highlight the limited availability of parking on nearby streets within Brent. This is reinforced by Policy BT2 of the emerging Local Plan, which states that development will be supported where it does not:

- a) add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on street parking conditions;
- b) require detrimental amendment to existing or proposed CPZs. In areas with CPZs access to on-street parking permits for future development occupiers other than for disabled blue badge holders will be removed or limited;
- c) create a shortfall of public car parking, operational business parking or residents' parking.

98. However, both current and emerging policies also encourage parking permit restricted development in areas with good access to public transport such as this. Officers therefore recommended that a parking permit restricted agreement to remove the right of future residents to on-street parking permits, which it is recommended to be secured by condition. Disabled 'Blue Badge' holders would be exempt from such any agreement, allowing them to use nearby residents' parking bays.

99. Transport for London have commented that, with respect to disabled car parking for the occupiers of the new units itself, they would recommend one blue badge space is provided, which would meet the requirements of draft Policy T6.1.

100. However, given the constraints of the site, the need to provide a continued vehicle access in connection with the TfL depot to the east, and the proximity to the Grade II\* listed station, it would not be feasible to provide this within the site. As outlined in para. 92 above, there is scope to provide an additional Blue Badge space within the local streets if required, and this will be reviewed as part of the planning obligation to review CPZs in this part of the borough. On this basis, it is considered that TfL's concerns are satisfactorily addressed.

#### Cycle parking

101. London Plan standards require a secure bicycle parking space to be provided for each unit. As part of the revised proposals, the main bike store (providing 52 spaces) has been relocated to the southern edge of the site and amended to provide suitable width for a double-height storage rack for 52 bikes, in accordance with requirements. Two Sheffield stands are also proposed for visitors in front of Building A, which is acceptable. As outlined above, part of the financial contribution to be secured via section 106 agreement will be used to improve cycle parking facilities for Station users.

#### Vehicular Access and servicing

102. Gated access is to be retained across the northern side of the site for the yard to the east. This access route would also provide access for delivery, refuse and emergency vehicles to the eastern end of the site to meet access requirements for Block B. A turning facility has been incorporated into the layout between the two proposed blocks to allow refuse vehicles to get to within 10m of the bin stores and fire appliances to within 45m of the rear block, so that they are not required to reverse long distances, with tracking diagrams

confirming that adequate space is provided for refuse vehicles. Officers recommend a condition requiring further details of the surfacing of the turning space to be submitted before relevant parts of the works commence, in order to demonstrate that this is robust enough to withstanding loading by HGV's.

103. Otherwise, the vehicular access routes through the site are proposed to be surfaced in block paving as a shared surface, which is fine in principle for the limited amount of vehicle traffic expected through the site.

104. Following concerns raised by highway officers regarding the narrow width of the access road where it passes Block A, this block has now been repositioned further southwards to allow the fence-fence access width to be increased to 4.1m. While this is welcomed, officers recommend a condition to ensure drawings clearly show 300mm protective margins to the northern boundary fence, and to any fence alongside the amenity area for Block A, ensuring there is clear separation between the access route and pedestrian use.

#### Pedestrian accessibility

105. Highways officers raised concerns about the lack of legibility with regard to the block entrances, and the need for pedestrian access from the station forecourt to be improved from its current unwelcoming state.

106. To address this, the revised proposals now show the omission of the planting bed across the existing gap in the boundary wall from the adjoining pedestrian bridge facing Station Approach, which ensures that this route can continue to be used by pedestrians, rather than the narrow access road (shared by vehicles) into the site. It is recognised that further improvements, including re-configuring the portal and pedestrian bridge, are very difficult to achieve because this part of the Station is also Grade II listed, as well as being owned by Transport for London. It is considered that the proposed measures are considered to result in an acceptable environment, subject to the details of the hard surfacing materials and lighting being secured through condition.

#### Wider trip generation

107. In terms of impact on the wider transport network, the applicant's transport consultant has compared the development with three other similar blocks of flats in well served areas of London. As those other developments include a proportion of larger 2- and 3-bedroom flats though, the derived trip rates are likely to be higher than for this purely 1-bed apartment scheme, so are considered to be robust.

108. A revised Transport Statement has been submitted to account for the proposed reduction in number of units from 61 to 52. In terms of trip generation, estimated future trips have been reduced pro rata, so that 6 arrivals/33 departures in the morning peak hour (8-9am) and 13 arrivals/7 departures in the evening peak hour (5-6pm) are now predicted by all modes of transport.

109. Public transport trips are predicted to total 19 rail/Underground and 14 bus trips in the morning peak hour and 9 rail/Underground and 8 bus trips in the evening peak hour, which again amounts to less than one additional passenger per train/bus in the area, and is therefore considered insignificant.

110. The development would still generate some vehicular traffic for deliveries, but these have been estimated total just five deliveries per day, mostly by car or small van. The three retained disabled parking spaces for the station would also generate some movements into and out of the site, but far fewer than for the existing 82 space car park. Therefore, this element of the proposals is considered acceptable.

#### Travel Plan and Construction Logistics

111. A draft Travel Plan has been submitted with the application. This proposes to appoint a Travel Plan Co-ordinator to manage the provision of welcome packs (to include timetables, maps, journey planning information etc.) and instigate cycle training. As the development is 'car-free' anyway, the aim will be to increase the proportion of residents walking and cycling to and from the site. Surveys are proposed to be undertaken within 6 months of first occupancy (or when 75% of the development is occupied) to establish an initial modal split and then every two years thereafter to monitor progress.

112. However, as the scheme is 'car-free' anyway and is of a relatively modest scale, a simple Travel Plan Statement is fine and there is no need for on-going monitoring results to be obtained. Officers therefore recommend that the implementation of the listed Travel Plan measures can be secured by condition.

113. Objections have been received from adjoining residents regarding the impact of construction traffic

and congestion from deliveries of materials, spoil from demolition etc. The construction of developments does inevitably result in some impacts on local residents whether this relates to an extension to a house or a Major development. However, planning cannot reasonably prevent development from taking place because of this impact.

114. Nevertheless, this is classified as a Major development and officers consider it reasonable to secure the approval and implementation of a Construction Method Statement (CMS) by condition, in order to mitigate impacts on surrounding residents as much as possible during the construction period.

#### Transportation Conclusion

115. A large number of objections were received on transport and highways grounds. However, it is considered that the proposed development, including the loss of the station car park (except for the disabled parking), would accord with adopted policy and would not have a significantly detrimental impact on local parking or highways conditions, subject to a legal agreement secure financial contributions of £30,000 towards (i) a review of local CPZ operating hours and boundaries; and (ii) towards improved bicycle parking facilities at Sudbury Town station and £20,000 for LB Ealing to review of its Controlled Parking Zone and to seek to implement any changes that are deemed necessary; as well as conditions which secure a car-free development and minor revisions to the layout plan which show 300mm margins between the edge of the access road and any adjoining walls or fences and suitably robust paving for the turning area within the central courtyard.

#### **Environmental Health considerations**

##### Air quality

116. An air quality assessment considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, and impact of heating plant emissions. This has been reviewed by Brent's regulatory services team.

117. Officers consider that the assessment is sufficiently robust and detailed, considering the potential emissions to the area associated with the development (in particular the proximity to the TfL depot and adjoining Underground network) as well as the potential impact on receptors to the development. Officers have assessed the proposals and are satisfied with the methodology used. No mitigation measures are required and the development meets the air quality neutral criteria in accordance with adopted and emerging policy.

##### Noise from end use and impact of existing noise on proposed units

118. The residential nature of the scheme is such that the proposed development is not likely to result in unduly detrimental end use noise issues in itself. However, the south-west elevation of Building B in particular is situated within 5 metres of the Underground line to the south, and therefore appropriate mitigation measures are required to ensure there is no noise disturbance to occupiers of these flats in close proximity. A noise assessment has accordingly been submitted to support the proposal.

119. The assessment identifies that noise reduction associated with the fenestration within the scheme will need to achieve noise reduction levels of between 29 and 36 dB. However, officers recommend a condition to ensure that (a) details of adequate glazing are submitted for approval before works commence, and (b) a further set of results, clearly demonstrating that the glazing offers adequate soundproofing, are submitted before occupation of these flats.

##### Construction noise and nuisance

120. Objections have been received from adjoining occupiers regarding noise and disturbance during the construction process. The development is also within an Air Quality Management Area and located very close to other residential and commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.

121. It should be noted that in relation to these matters, there is also control through environmental health legislation and a planning cannot duplicate any controls that are available under other legislation. However, the council's regulatory services team have recommended a condition requiring a Construction Method Statement to be submitted for approval before works start. This would be required to cover highways issues

as well, and has been attached.

122. A further standard condition is also attached requiring all non-road mobile machinery to meet low emission standards, as set out within the London Plan.

### Contaminated land

123. The site to be redeveloped has been identified as previously contaminated and the applicant has provided a Phase 1 desk top study by RSK (ref 29474R01(00) dated September 2017). The Phase 1 has identified that a Phase 2 site assessment should be conducted. The Council's Regulatory Services team are satisfied that the proposals are acceptable, subject to a condition requiring the Phase 2 assessment to take place before works commence, to ensure the safe development and secure occupancy of the site.

### **Sustainability and energy**

124. A detailed Energy Statement has been submitted with the application.

125. The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated is confirmed to emit 22 tonnes of Carbon Dioxide per annum. This equates to a 43% reduction on the minimum building regulations (2013) as required within the London Plan, although does not achieve the zero carbon goal and as such requires an offset payment. The offset payment shall cover a 30-year period of emissions, amounting to a total of £39,078. This will be secured via section 106 agreement.

126. The details of the energy efficiency improvements are as follows:

Be Lean (total savings within the dwellings from 'be lean': 1 tonne CO<sub>2</sub>/year: 1% reduction on Regulated total)

- Using building fabric which significantly improves on the thermal performance of a building regulation compliant building
- High levels of air tightness throughout the scheme
- The use of energy efficient lighting and heating and controls
- The use of mechanical ventilation with heat recovery (MVHR)
- Heating provided to each dwelling through individual combi boilers, and use of room thermostats and other heat monitoring systems

Be Clean (total savings within the dwellings from 'be clean': Zero)

- It has been explained that the baseload heat demand is not sufficient to support the installation of a site wide heating system or combined CHP engine

Be Green (total savings from 'be green': 16 tonnes CO<sub>2</sub>/year: 43% reduction on Regulated total)

- Review of air source heat pumps, biomass CHP, wind turbines and photovoltaics.
- Considered that PV panels were most appropriate in the context of this development
- Anticipated that a total of 211 sqm of PV panels will be installed at roof level, to the flat roof of the five-storey element of Building B

127. The council's sustainability officer has been consulted on the proposals and is satisfied that the proposals would meet the 35% target for on-site reduction in carbon emissions without the need for a CHP system to be installed. Officers recommend a condition to ensure that full details of the PV panels (including drawings and a technical specification) are submitted and approved by the Council to ensure they are suitably screened and are as efficient as possible.

128. London Plan policy 5.15 states residential developments are to be designed to meet the target of 105 litres or less per head per day. It is highlighted this will be sought, but final calculations based on sanitary ware specifics will need to be undertaken. It is recommended that a condition is attached to ensure this standard will be achieved.

### **Trees and landscaping**

129. The Arboricultural Assessment identifies that although the site is largely hard surfaced, there are a number of low value trees to the southern boundary of the site. Three Grade C trees would be directly removed as a result of the development, and the Council's arboricultural officer is satisfied with the assessment that these would have a low value and therefore their removal is acceptable. There are no trees

which are subject to a Tree Preservation Order which would be affected by the proposal.

130. A scheme of re-planting of 16 replacement trees is specified as a part of a broader landscape plan, which would result in an increase in the number of trees on site. Brent's arboricultural officer has stated that a greater variety of species should be used, above the Himalayan Birch which has been initially identified. However, officers are satisfied that this can be considered in further detail as part of a condition requiring full details of tree planting, which will be secured as part of a detailed landscaping strategy.

131. A detailed landscaping masterplan and outline planting strategy has also been submitted as part of the applicant's design and access statement. This demonstrates a high quality of both hard and soft landscaping, in particular to the residents' communal courtyard centrally to the site. A full landscaping strategy, including details of all species of all new trees, shrubs and hedges, including those to the proposed roof terrace, will be secured via condition.

## **Ecology**

132. Although the majority of the site is hard surfaced, there is a thin strip of land adjacent to the railway embankment which forms part of a designated wildlife corridor. The applicant has therefore provided an Ecology Report as part of the submission.

133. The report indicates that the site itself and neighbouring sites are considered to be of negligible value for birds and bats and of no value to protected fauna. However, it does state that enhancement measures such as bird and bat boxes are included within the development in order to improve the ecological value of the site. Officers therefore recommend a condition to secure these measures as part of the development. The report also refers to potential enhancement through the provision of green walls and/or roofs. However, the applicant has confirmed that due to fire regulations, green or living walls cannot be provided. The execution of a high quality soft landscaping scheme as part of the development can also contribute in this respect, and a high degree of planting has been shown to the available roofs of both buildings.

## **Flood Risk and Drainage**

134. The site falls within flood zone 1 of the Environment Agency's flood designations (the lowest flood risk). Nonetheless, given the scale of the development, the applicant has submitted a drainage strategy for the site which would significantly reduce surface water discharge rates of the site from their existing levels, in line with the requirements of London Plan policy 5.13. The developer will achieve this by providing rainwater storage tanks and suitable sustainable urban drainage (SuDS) measures which will result in a reduction in the existing rate of discharge to the sewage network.

135. The document has been reviewed by Brent's flood risk consultants and it is confirmed that the approach to flood risk and sustainable drainage for this development is acceptable and in line with Brent and London Plan standards. A condition will require that the measures as outlined in the drainage strategy are adhered to throughout the development.

136. Thames Water has also reviewed the application and have raised no in principle objections to the application. However, they have requested a condition requiring the submission of a piling method statement for approval before works commence, given the proximity of the development to a strategic sewer. They have also provided information relating to the requirements for connecting the development to the public sewer, and minimising groundwater discharge during construction. This information will be communicated to the applicant by way of informative.

## **Fire Safety**

137. Fire Safety is formally considered at Building Regulations stage, however the applicants have clarified a fire safety strategy within their planning submission. It is important to note that the main vehicle access through the site (i.e. to the northern boundary) would be sufficient to accommodate emergency vehicles, with an appropriate turning space within the communal courtyard.

138. Both cores will have fire evacuation lifts and escape stairs which provide protected routes direct to the outside at ground level. Emergency egress windows and external doors would be provided from all main habitable rooms at ground floor to provide occupants with an secondary means of escape, while on upper floors cross-corridor doors would be provided to limit travel distances to 7.5m.

139. It has been confirmed that as the blocks are less than 30m high, internal sprinkler systems

would not be required.

## Statement of Community Involvement

140. The applicant has set out the level of pre-consultation that was carried out, as required through the Localism Act (2011). The consultation process was based around the following methods:

- A public consultation was held by the applicants at Barham Community Library on 21.11.18, with further consultation held with the Sudbury Town Residents Association, local councillors and other interested parties on 12.02.19. Concerns raised included the likely impact of on street parking and spillover on to Station Approach, overlooking from Building A, and concerns about security between the proposed development and rear gardens of properties on Barham Close. An update newsletter was sent to local residents in October 2019.

## Equalities

141. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

## Conclusion

142. Officers consider that the scheme meets planning policy objectives and is in general conformity with the majority of local, regional and national policy (both adopted and emerging), and the Sudbury Town Neighbourhood Plan. The scheme delivers 100% affordable housing, delivering 52 new homes which are considered to meet an identified local need, in a highly sustainable location, which is considered to be a significant planning benefit. The lack of family sized units is considered to be acceptable given the constraints of the site and the provision of 100% affordable housing. The benefits of 100% affordable housing combined with the financial contribution which could be used to deliver affordable rented accommodation elsewhere within the Borough, outweighs the harm associated with lack of on site affordable rent homes.

143. Whilst meeting London Plan standards, amenity space falls below levels set out in adopted policy DMP19 and emerging policy BH13. However, the proposal is considered to provide a good standard of residential accommodation due to the quality of the amenity spaces that are proposed, the proximity to nearby open spaces and the housing mix (1-person homes only). The proposal would make a positive contribution to the area, whilst having an acceptable impact on and relationship with the existing surrounding development.

144. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

## CIL DETAILS

This application is liable to pay **£1,028,839.28** \* 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): sq. m.

Total amount of floorspace on completion (G): 2875 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
(Brent) Dwelling houses	2875		2875	£200.00	£0.00	£857,366.07	£0.00
(Mayoral) Dwelling	2875		2875	£0.00	£60.00	£0.00	£171,473.21

houses							
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BCIS figure for year in which the charging schedule took effect (Ic)	224	336
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£857,366.07</b>	<b>£171,473.21</b>

\*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.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/1241

To: Mr Rogers  
Terence O'Rourke  
Third Floor  
7 Heddon Street  
LONDON  
W1B 4BD

I refer to your application dated **01/04/2019** proposing the following:

Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).

and accompanied by plans or documents listed here:  
Refer to condition 2

at **Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA**

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: 27/04/2020

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

### 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:-

- National Planning Policy Framework 2019
- The London Plan 2016
- Brent's Core Strategy 2010
- Brent's Development Management Policies 2016
- Sudbury Town Neighbourhood Plan 2015
- Brent's Supplementary planning Document 1: Design Guide for New Development 2018

- 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):

0001; 0002; 0003 Rev P01; 0200 Rev P02; 0201 Rev P02; 0202 Rev P02; 0203 Rev P02; 0204 Rev P02; 0205 Rev P02; 0300 Rev P02; 0301 Rev P02; 0302 Rev P02; 0400 Rev P02; 0401 Rev P02; 0402 Rev P02; 0500 Rev P02.

PLL-STB\_HTAL\_00\_DR\_0900 Rev A; PLL-STB\_HTAL\_00\_DR\_0901 Rev B;  
PLL-STB\_HTAL\_00\_DR\_0902 Rev A; PLL-STB\_HTAL\_06\_DR\_0903 Rev B;  
PLL-STB\_HTAL\_06\_DR\_0901 Rev B.

Planning statement (including Affordable Housing Statement and Statement of Community Involvement) from Terence O'Rourke dated March 2019 (addendum received October 2019);  
Design and access statement from HTA Design dated March 2019 (Addendum 01 received 09.10.19)

Heritage Statement (including Archaeological Assessment) from Terence O'Rourke Ltd dated February 2019 (Addendum received October 2019);

Air Quality Assessment (including Air Quality Neutral Assessment) from Air Quality Assessments Ltd (ref. J0279/1/F1) dated 27.03.19 (Technical Note Update received 09.10.19);  
Assessment of the Demand for Affordable Homes for First Time Buyers in LB Brent Revised Daylight and sunlight study (Neighbouring Properties) from Right of Light Consulting dated 04.10.19;

Daylight and sunlight study (Within Development) from from Right of Light Consulting dated 22.02.19

Drainage Strategy (ref. P4500194-REP-001) from Whitby Wood dated February 2019;

Energy Statement from TUV Sud dated March 2019;

Noise and Vibration Assessment (ref. 18262.NVA.01) from KP Acoustics Ltd dated 31.10.2018;

Transport Assessment (ref. 31115/D01a) from Transport Planning Practice dated February 2019 (Addendum received October 2019);

Draft Travel Plan (ref. 31115/D02) from Transport Planning Practice dated February 2019;

Preliminary Ecological Appraisal (ref. POC22148\_PEA Rev P1) from ACP Environmental dated 01.02.19;

Arboricultural Impact Assessment and Method Statement (ref. POC22148aia-ams) from ACD Environmental dated 21.02.2019;

Tree report ref. POC22148tr (including Tree Protection Plan ref. POC22148-3) from ACD Environmental received February 2019;

Phase 1 Environmental Study (ref. 29474 R01 (00)) from RSK Environment Ltd dated September 2017;

Fire Engineering Review (ref. CL6025/NH/15hta) from Jeremy Gardner Associates dated

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

- 3 The development shall provide the 52 one-bed dwellings (Class C3), as shown on the approved plans, unless otherwise approved by the Local Planning Authority.

Reason: To ensure the development delivers this specific housing type to meet the specific needs of the Borough.

- 4 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 5 The development hereby approved should be built so that 90.4% of the residential units (47 of the total number) achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 9.6% of the residential units (5 units) achieve Building Regulations requirement M4(3)(2)(a) - adaptable wheelchair user dwellings

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8.

- 6 Notwithstanding what is shown on the approved drawings, the three Blue Badge parking spaces shall be retained on site and made available for users of Sudbury Town Station users throughout the construction of the development , unless otherwise alternative temporary parking proposals are approved as part of the Construction Logistics Plan pursuant to condition 18 of this consent. Following the completion of the development, the three Blue Badge parking spaces shall be provided and made available for Sudbury Town Station users for the life of the development.

Reason: To ensure sufficient car parking capacity for Blue Badge holders is retained.

- 7 The northeast facing windows to the flank elevation of Building A (as shown on drawing 0400 Rev P02) shall be constructed with obscure glazing and shall not have openings (except if required for fire safety) below a height of 1.8m measured from the floor level of the rooms which the windows serve. These windows shall be maintained in accordance with the above requirements for the lifetime of the development, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining occupiers.

- 8 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Air Quality Assessment (including Air Quality Neutral Assessment) from Air Quality Assessments Ltd (ref. J0279/1/F1) dated 27.03.19 (and Technical Note Update received 09.10.19).

Reason: To appropriately mitigate air quality impact.

- 9 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Drainage Strategy (ref. P4500194-REP-001) from Whitby Wood dated February 2019.

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

residential use.

- 10 The building shall be 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 by minimising water consumption.

- 11 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14

- 12 Prior to first occupation of the development hereby approved, an electric vehicle charging point shall be provided to one of the three Blue Badge spaces retained, whilst the remaining two will provide passive charging facilities. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy 6.13.

- 13 The cycle storage facilities and visitor cycle stands, and refuse storage shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the lifetime of the development. The cycle storage facilities (both for occupiers and visitors) shall not be used other than for purposes ancillary to the occupation of the building hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 14 A communal television aerial and satellite dish system shall be provided, linking to all residential units within the development unless otherwise agreed in writing by the local planning authority. No further television aerial or satellite dishes shall be erected on the premises.

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

- 15 All tree protection measures as recommended within the submitted BS 5837:2012 Arboricultural Impact Assessment and Method Statement (ref. POC22148aia-ams) from ACD Environmental dated 21.02.2019 and Tree report ref. POC22148tr (including Tree Protection Plan ref. POC22148-3) from ACD Environmental received February 2019 shall be adhered to throughout the construction of the development.

Reason: To protect trees surrounding the site from damage associated with construction processes.

- 16 All recommendations set out within section 6.20 of the Preliminary Ecological Appraisal (ref.

POC22148\_PEA Rev P1) from ACP Environmental dated 01.02.19), with the exception of the provision of green walls and/or roofs to the proposed apartment buildings and bike shed, shall be adhered to throughout the construction of development .

Reason: To protect and enhance local ecosystems that would otherwise be unduly harmed by the development.

- 17 Prior to the commencement of the development, a Construction Method Statement which incorporates a dust management plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 18 Prior to the commencement of the development, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to address issues such as delivery of materials, lorry routeing, staff parking etc., whilst also minimising lorry movements by recycling on site and back loading spoil and aggregates. The plan will need to comply with TfL's guidance on Construction Logistics Plans and in specific relation to this site, will need to carefully consider co-ordination with other development projects in the area. The approved statement shall be implemented throughout the duration of demolition and construction.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 19 (a) 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 building 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.

(b) Any soil remediation required by the Local Planning Authority shall be carried out in full. The development shall not be occupied until a verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site 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.

- 20 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be

undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 21 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing (excluding any demolition, site clearance and the laying of foundations). The work shall be carried out in accordance with the approved details.

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

- 22 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), a scheme shall be submitted to and approved in writing by the Local Planning Authority that provides details of all landscaped areas of the development. Such approved landscaping works shall be completed prior to first occupation of the development hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants and trees, sub-surface treatments (or planters / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries;
- b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- c) treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials;
- d) a landscaping maintenance strategy, including details of management responsibilities.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

- 23 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), revised details showing the following shall be submitted to the Local Planning Authority for approval:

- minor amendments to the site layout plan to show 300mm margins between the edge of the access road and any adjoining walls or fences and suitably robust paving for the turning area within the central courtyard

The development shall be constructed in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and convenient vehicular and pedestrian access through the site.

- 24 No more than 6 months after the commencement of development (excluding any demolition, site clearance and the laying of foundations), a revised Noise and Vibration assessment should be submitted to the Local Planning Authority for approval. The assessment should include an allowance for future worsening (night time operation and track ageing), vehicle movements

through the site serving the track compound and noisy works within the track compound at any time.

The development shall be constructed in accordance with the approved details, and remain as such unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 25 The development hereby approved shall be constructed to provide sound insulation against internally generated noise. This sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), and thereafter carried out in full accordance with the approved details. .

The proposal must comply with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels: For daytime (0700 - 2300) noise levels for living rooms and bedrooms the maximum noise levels are 35 dB LAeq (16hr). Outside of this time (2300 - 0700) the standard for bedrooms is 30 dB LAeq (8hr), 45 dB Lmax.

**Reason:** To ensure that the development hereby permitted is not detrimental to the amenity of the residents by reason of undue noise emission and/or unacceptable disturbance, in accordance with Brent's Noise Policy.

- 26 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays to the roof of Buildings A and B shall be submitted to and approved in writing by the Local Planning Authority.

The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

**Reason:** To ensure that the development minimises its carbon emissions, in accordance with London Plan policy 5.2.

- 27 Prior to occupation of any of the units hereby approved, details of screening (whether obscure glazed balustrade, planters or other appropriate measures) to the roof terrace at roof level of Building B shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved plans.

**Reason:** In the interests of the amenities of the adjoining occupiers.

- 28 Any plant shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant 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 and approved in writing by the Local Planning Authority prior to installation of such plant. All plant shall thereafter be installed and maintained in accordance with the approved details.

**Reason:** To safeguard the amenity of the neighbours.

- 29 Prior to occupation of any of the units hereby approved, a revised Final Travel Plan Statement shall be submitted to the Local Planning Authority for approval, committing to implementing the measures set out within the draft Travel Plan submitted by Transport Planning Practice dated February 2019 (ref. 31115/D02).

The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with London Plan (2016), Brent's Core Strategy (2010) and Brent's Development Management Policies (2016).

- 30 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 the existing Controlled Parking Zone (CPZ) 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 this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

Details of the wording to be included in the licence transfer lease or tenancy agreement shall be submitted and approved in writing by the local planning authority prior to the licence lease or tenancy agreement being entered in to and the approved details shall thereafter be used in all such licence lease or tenancy agreements.

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 the interest of highway flow and safety.

- 31 Prior to occupation of any of the units hereby approved, the applicant shall enter into an agreement with Transport for London (TfL) requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network. The tenant cannot limit or affect the rights of TfL to deal with its adjoining land and Transport Assets or be entitled to make any objection or complaint in respect of any noise, vibration or discharge or any electromagnetic disturbance from the Transport Assets arising from the operation of the Transport Undertaking.

Confirmation that this agreement has been entered into and secured with TfL shall be submitted to the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2016 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

## 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](http://www.brent.gov.uk/CIL).
- 2 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.

3 Thames Water wishes to advise the applicant of the following:

- With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices\\_Wastewater-2Dservices&d=DwlFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVySAkixNx\\_E\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06gKk&m=Mo6YrmF80h48BJ7RfUaDCKzpLVD12hp4Vkmisp0jzQtc&s=pnrHLmYhyndzdboP2R5yMD\\_jTKRBZJPsr6m3OxiZH3o&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwlFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVySAkixNx_E_J_EjNJR_FDWFjexJLES8DRQ06gKk&m=Mo6YrmF80h48BJ7RfUaDCKzpLVD12hp4Vkmisp0jzQtc&s=pnrHLmYhyndzdboP2R5yMD_jTKRBZJPsr6m3OxiZH3o&e=)
- 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. We would expect the developer to demonstrate what measures he 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](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- There are public sewers crossing or close to the development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwlFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVySAkixNx\\_E\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06gKk&m=Mo6YrmF80h48BJ7RfUaDCKzpLVD12hp4Vkmisp0jzQtc&s=chB8p-8X95GEJKTcuk-oQKuTr0rrZ8aUQMXqA9ntRzM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwlFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVySAkixNx_E_J_EjNJR_FDWFjexJLES8DRQ06gKk&m=Mo6YrmF80h48BJ7RfUaDCKzpLVD12hp4Vkmisp0jzQtc&s=chB8p-8X95GEJKTcuk-oQKuTr0rrZ8aUQMXqA9ntRzM&e=)

- 4 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 With regard to soil contamination requirements, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 7 Delete this and enter unique informative here



Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349