

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 January, 2021  
04  
20/2164

## SITE INFORMATION

RECEIVED	21 July, 2020
WARD	Northwick Park
PLANNING AREA	
LOCATION	79-83 ODDS, Kenton Road, Harrow, HA3 0AH
PROPOSAL	Erection of a part three part four storey building comprising self-contained flats with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping
PLAN NO'S	See 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_150784">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_150784</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 "20/2164" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

**RECOMMENDATION** Resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and referral to the Mayor.

### Section 106 Heads of Terms

1. Payment of legal and professional costs
2. Notification of material start 28 days prior to commencement
3. Securing 4 affordable housing units as intermediate units together with post implementation review.
4. Contribution towards a local carbon off-setting scheme to achieve the London Plan targets for carbon reduction, should those targets not be met through on-site measures.
5. Training and Employment
6. Any other planning obligation(s) considered necessary by the Head of Planning

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

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

### Conditions

1. 3 year permission
2. Approved Plan
3. Mix of units
4. Removal of pd rights C3 to C4
5. Provision of amenity space
6. 10% Disabled Parking
7. Car Parking Layout
8. Television Aerial and Satellite System
9. Water Consumption
10. Refuse facilities
11. SUDS
12. Traffic light system
13. Construction Management Plan
14. Tree protection measures
15. External materials
16. EVXP
17. Play equipment
18. Landscaping
19. PVs
20. Plant Noise
21. Car Park Management Plan
22. Internal Noise
23. Crossover
24. Delivery and Servicing Plan
25. External lighting
26. Sedum roof
27. Security gate
28. Cycle parking
29. Travel Plan

### Informatives:

1. CIL Liable approval
2. Party Wall
3. Asbestos
4. Crossover contact
5. Trees contact
6. Repair damage to highway
7. Fire safety
8. Living wage

## 9. Noisy works

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

That, if by 3 months of the committee date the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

## SITE MAP

	<b>Brent</b>	<b>Planning Committee Map</b>
Site address: 79-83 ODDS, Kenton Road, Harrow, HA3 0AH		
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This map is indicative only.

## PROPOSAL IN DETAIL

Erection of a part three part four storey building comprising 40 self-contained flats with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping.

The application is similar to the extant permission at the site for 39 flats. The changes relate to adding one new flat via an extension at third floor level on the north-eastern corner of the building (fronting Rushout Avenue); extending the size of unit 36 with a front extension on the north-western corner and associated changes to the amenity space in the form of a roof terrace.

## EXISTING

The application site is located on the corner of Kenton Road and Rushout Avenue. It previously comprised 3 two storey dwellings (known as 79 to 83 Kenton Road). These have been demolished as part of the implementation of the consented planning permission (see planning history below).

The surrounding area is mixed. To the west (on the opposite side of Rushout Avenue) is the secondary shopping frontage of Kenton Town Centre. This frontage contains commercial units at ground floor with predominantly flats on the upper floors. The majority of properties north, east and south of the site are predominantly residential in nature. As part of the emerging Local Plan, the site lies within an Intensification Corridor.

The opposite side of Kenton Road lies within the London Borough of Harrow.

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- " Basement plans amended to reflect previously approved layout
- " Floorplans amended to reflect changes to access cores. This change is non-material as it does not materially impact the sizes or layouts of the approved units and is in accordance with the layout approved in application reference 20/0685
- " Addition of a Balcony to Flat 40

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Existing consent:** Work on the existing consent (as varied by consents 19/2770, 19/4473 and 20/0685) has commenced and this scheme can be implemented. This is a material consideration in the determination of this application.

**Representations Received:** A total of 9 objections have been received (6 from individual properties and 3 from councillors).

**Principle of Development:** The demolition of the existing houses on the site and their replacement with a new building accommodating 39 flats has already been established by previous consents. This application seeks to add one additional home when compared with this extant scheme together with the enlargement of one unit from a one bedroom flat to a two bedroom flat. It is considered that the principle of development remains acceptable.

**Highway impacts:** Transport officers have assessed the scheme and advised that the proposal is acceptable. It is not considered to result in a material impact upon the local highway network compared to the consented scheme.

**Residential amenity:** The proposed changes would not result in any material impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking. Design and appearance: When compared to the consented scheme, the proposal would not result in harmful

impact on the character and appearance of the local area.

## MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
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### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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## RELEVANT SITE HISTORY

### Relevant planning history

**17/3717:** Demolition of existing dwellinghouse and erection of a part three part four storey building comprising 39 self-contained flats (27 X 1bed, 8 x 2bed and 4 x 3bed) with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping, subject to a Deed of Agreement dated 15 May 2018 under Section 106 of the Town and Country Planning Act 1990, as amended - **GRANTED - 15/05/2018**

**19/2770:** Variation of condition 2 (approved plans) of Full Planning Permission reference 17/3717 to allow the following changes:

- the provision of an additional one-bedroom flat to bring the total approved residential units to 40
- extension to Unit No.39 to allow an increase from a one-bedroom to a two-bedroom flat

**REFUSED - 17/12/2019.** The reason for refusal was based on a recent court case *Finney v Welsh Ministers & Ors* (Rev 1) [2019] whereby an application to vary a condition of a planning consent through section 73(2) of Town and Country Planning Act 1990, as amended, specifies that the planning authority must consider only the question of conditions. It must not, therefore, consider the description of the development to which the conditions are attached. Additionally no legal agreement was signed to control levels of affordable housing, emissions or an Employment and Training Plan.

**19/4473:** Variation of condition 2 (approved plans) of Full Planning Permission reference 17/3717 to allow:

- Rear fire escape stairs
- Basement enlargement
- Relocation of the cycle storage

**GRANTED - 18/08/2020**

**20/0685:** Variation of condition 2 (approved plans) of Full Planning Permission reference 17/3717 to allow:

Narrowing of vehicular access ramp  
Installation of one-way traffic control system

**GRANTED - 13/11/2020.**

## CONSULTATIONS

### Public consultation

Consultation letters were sent to 118 neighbouring properties on 24th July 2020 and an addition 13 properties were consulted on 30th July 2020. In addition a site notice was displayed on 7th August 2020 and the application was advertised in the press on 30th July 2020.

Re-consultation was carried out to the above properties on 2nd October 2020 following the availability of the Financial Viability Assessment on the Council's website

A final re-consultation was carried out to the above properties on 19th of November 2020 in relation to the addition of a balcony to Flat 40.

The application was re-advertised in the press on 29th October 2020 and a new site notice displayed on 25th of November 2020.

6 objections were received from nearby properties, together with objections from Councillors Daly, McLennan and Perrin. These are summarised as follows:

<b>Objection</b>	<b>Officer response</b>
<b>Highway matters</b>	
Additional traffic as a result of increased parking on site (6 to 30 spaces) will result in pollution, parking problems, congestion and increase in air pollution from vehicles idling	See Paragraphs 69-72
Access to basement car park from Rushout Avenue not acceptable given Rushout Avenue is used as a bus route	See Paragraphs 69-72
Existing parking problems along Rushout Avenue with vehicles parking on double yellow lines and over people's driveways	See Paragraphs 73-74
Reduction in width of basement car park to one-way will result in increased congestion, particularly at the top of the ramp where vehicles will idle	See Paragraph 70
Lack of detail on traffic light system	See Paragraph 70
Basement car park contrary to policy given the proximity to public transport	Permission has already been granted for the basement as part of the extant consent
<b>Design and impact on neighbouring properties</b>	
Proposal is too dense and will create an eye sore. Height at 4 storeys is out of keeping with local area	See Paragraphs 27-29
Additional flat and its associated balcony will lead to increased overlooking to neighbouring property	See Paragraphs 46-49
<b>Air Quality and other environmental considerations</b>	
Enlarged basement car park does not support Brent's Climate Emergency objectives	The basement already has approval under the previous application. Paragraph 85 refers to impact on air

	quality
Developers have not been considerate during construction	Noted however, this is enforced by legislation outside of Planning Control
Unclear why Construction Management Plans conditioned as they are not enforceable.	Construction Management Plans promote good practice. However, various measures within the CMP are enforceable through other legislation, such as the Highways Act or Control of Pollution Act
Query whether height of boundary treatment alongside neighbouring property on Rushout Avenue could be increased to improve security and reduce noise/air pollutants	No changes are proposed over the fence which has existing permission and was found to be acceptable.
<b>Consultation/other matters</b>	
Complex planning history including a number of variations under section 73. Unclear how they all relate to one another and when they were granted. Very confusing for local residents.	There are no restrictions on the number of applications an applicant may submit. Consultation was carried out
Councillors were only notified through weekly planning lists and not formally consulted	Councillors are notified of all applications within their ward through the weekly list. Councillors were sent consultation letters for all amendments to the scheme
Number of neighbours consulted misleading. The website suggests substantially less properties consulted	118 neighbours were consulted on the initial application and all subsequent amendments.
Works should stop until the application has been approved, especially as minor material amendment for 40 flats was refused	The existing consent remains extant and can be implemented. There is no requirement in Planning regulations for works to stop while the current application is assessed.
Proposal will have a detrimental effect on local services, amenities and infrastructure	The principle of development is considered to have been already established and the addition of one unit is not considered to result in materially greater impacts on local services and infrastructure

#### External consultation

London Borough of Harrow - no objections raised.

## **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 and Brent Development Management Policies 2016.

### **London Plan (2016)**

Key policies include

3.3 – Increasing housing supply

3.5: Quality and Design of Housing Developments

3.6 – Children and young people's play and informal recreation

3.12 – Negotiating affordable housing on individual private residential and mixed use schemes

5.2 – minimising carbon dioxide emissions

5.7 – Renewable energy

5.9 – Overheating and cooling

5.10 – Urban Greening

6.3 – Assessing effects of development on transport capacity

6.9: Cycling

7.4: Local Character

7.6: Architecture

7.14 – Improving Air Quality

### **Core Strategy (2010)**

CP 2 - Population and Housing Growth

CP19 – Brent Strategic Climate Change Mitigation and Adaption Measures

CP21 - A Balanced Housing Stock

### **Development Management Policy (2016)**

DMP1: General Policy

DMP9b – On site Water Management and Surface Water Attenuation

DMP12: Parking

DMP13 – Movement of Goods and Materials

DMP15 – Affordable housing

DMP18: Dwelling Size and Residential Outbuildings

## DMP19: Residential Amenity Space

Material Considerations include the National Planning Policy Framework 2019 and the Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018, and Technical Housing Standards- Nationally Described Space Standard

### **Emerging policy context**

The Examination in Public for the Draft New London Plan has been completed and the Panel Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted. As such considerable weight should be given to these policies.

### **The Draft London Plan Intend to Publish Version 2019**

Key policies include:

D3 – Optimising site capacity through the design-led approach

D4 - Delivering good design

D6 - Housing quality and standards

D7 – Accessible housing

D12 – Fire safety

H1 – Increasing housing supply

H5 – Threshold approach to applications

H6 – Affordable housing tenure

H7 – Monitoring of affordable housing

S4 – Play and informal recreation

S11 – Improving air quality

S12 – Minimising greenhouse gas emissions

T4 – Assessing and mitigating transport impacts

T5 - Cycling

### **Brent's Draft Local Plan 2020**

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. The examination in public look place in Autumn 2020. 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 policies include:

DMP1 – Development Management General Policy

BP4 – North West

BD1 – Leading the Way in Good Urban Design

BD2 – Tall Buildings in Brent

BD3 – Basement Development

BH1 – Increasing Housing Supply

BH2 – Priority Areas for Additional Housing Provision within Brent

BH5 – Affordable Housing

BH6 – Housing Size Mix

BH13 – Residential Amenity Space

BGI2 – Trees and Woodland

BSUI1 – Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

BSUI4 – On-site Water Management and Surface Water Attenuation

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3 – Freight and Servicing, Provision and Protection of Freight Facilities

BT4 – Forming an Access on to a road

### **Other material considerations**

National Planning Policy Framework 2019

Brent's Design Guide SPD1

## **DETAILED CONSIDERATIONS**

### **Background**

1. Planning permission was granted on 15th May 2018 (LPA Ref: 17/3717) for the demolition of the three dwellinghouses at Nos. 79 to 83 Kenton Road and their replacement with 39 flats within a part three part four storey building. The approved scheme also involved the creation of a basement car parking accommodating 30 car parking spaces, with vehicular access to the basement car park from Rushout Avenue. Works have commenced on this planning permission.
2. A number of subsequent minor material amendment applications (under section 73 of the Town and Country Planning Act) have been submitted to make changes to the consented scheme ("parent" scheme). One of these related to the enlargement of the basement, addition of fire escape and relocation of cycle storage to the basement. This application was granted on 18/08/2020. The other minor material amendment application related to a reduction in the width of the access ramp into the basement car park and associated one-way traffic signals. Committee resolved to grant consent for this application on 14/10/2020 and the application was granted on 13/11/2020.
3. In addition to the above, a further minor material amendment application (LPA Ref: 19/2770) was submitted to the LPA seeking to amend the scheme to add 1 additional residential unit to increase the number of units from 39 to 40. The scheme was considered to be acceptable by officers but the application was refused as the description of a development cannot be changed through a Section 73 application (as established through a recent court case, known as the Finney case).

4. The extant planning permission and subsequent minor material amendments are material consideration when considering this proposal. Works have commenced on implementing the consented scheme and this would represent a legitimate fall back position in the event that the Planning Committee were minded to refuse this current application.
5. Since the grant of planning permission for the extant permission, both the London Plan has been modified with the "London Plan Intend to Publish Version" 2019 and Brent is reviewing its Local Plan with the emerging Brent's Draft Local Plan. Both of these plans have gone through a significant element of the plan making process and carry increasing weight in the assessing of the current application. Where there has been a change in the policy position this is highlighted in the remarks section below.

#### Principle of Development

6. The principle of the redevelopment of the site is considered to have already been established via the approved permission 17/3717 (and subsequent minor material amendment applications). As works have begun on this application, this represents a legitimate fallback position.
7. The current scheme is materially similar to the approved scheme. It seeks to add an additional one bed unit on the 3rd floor fronting Rushout Avenue (increasing the number of units from 39 to 40) and an extension to flat 39. In addition, a rooftop shared amenity space is proposed on the 3rd floor. The alterations secured as part of the early minor material amendment applications are incorporated into this current proposal.
8. Since the granting of the extant permission housing targets have increased from 22000 additional homes between 2007 and 2026 to a minimum of 23,250 homes in the period of 2019-2029. It is noted that the site lies along an Intensification Corridor within Brent's emerging Local Plan and policy BH2 identifies such locations as priority areas for new housing within Brent.
9. The inclusion of one additional unit (increase the total number of homes from 39 to 40) would not alter the overall principle of development as approved and this remains acceptable and will therefore still comply with policies CP2 and CP21 of Brent's Core Strategy 2010.
10. This would also be in accordance with policy BH1 of the Draft Local Plan and H1 of the ITP London Plan both of which seek to increase housing targets for Brent.

#### **Mix of homes and affordable housing**

##### Mix of homes

11. The scheme proposes a total of 40 flats, and would provide one additional 2-bedroom flat above the extant scheme. The housing mix would comprise 27 x 1 bedroom flats, 9 x 2 bedroom flats, 4 x 3 bedroom flats. Policy CP2 seeks 25% of all new residential units across the borough to be family sized (3+ bed). Additionally policy BH6 of the Draft Local Plan states that for one in every four new units, one should be sized as 3+beds.
12. The number of 3 bedroom homes proposed across the development would represent 10% of the total development. It is acknowledged that this would fall short of the 25% target set out within the Core Strategy and the more specific target of 1 in 4 homes to be three bedrooms or more for individual sites as set out in the emerging Local Plan. However, it is noted that the same mix of units (apart from the new 2 bed) was accepted in the previously approved scheme, representing just over 10% of the homes within the extant scheme as family sized units. As this approved scheme represents a legitimate fall back position and is a material consideration, it is considered that the unit mix remains acceptable. The addition of one additional one bedroom flat is not considered to materially change the acceptability of the scheme in that regard.

##### Adopted affordable housing policy

13. London Plan policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability. The policy requires boroughs to take account of economic viability when negotiating on affordable housing, and other individual circumstances.

14. Brent's adopted local policy (CP2 and DMP15) requiring affordable housing requirements for major applications stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing. The policies allow for the reduction in the level of Affordable Housing (below the 50 % target) on economic viability grounds. This is discussed in more detail later in this report.

#### Emerging affordable housing policy

15. The emerging London Plan (Intend to Publish Version) has been subject to examination and the associated affordable housing policies (H4, H5 and H6) are now given greater weight. These policies establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:

- 35 % Affordable Housing; or
- 50 % Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.

\* other criteria are also applicable.

\*\* industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.

16. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:

- A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
- A minimum of 30% intermediate homes;
- 40% to be determined by the borough based on identified need.

17. When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of Affordable Rent : Intermediate) and Brent's emerging policies (70:30 ratio of London Affordable Rent : Intermediate) provide clarity on the tenure of the third category (40 % to be determined by the borough). This means that this element of Affordable housing mix should be provided as Affordable Rented homes.

18. Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes delivering at least 35% (or 50% on public sector land / industrial land and that propose a policy compliant tenure split) not viability tested at application stage. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.

19. Brent's draft Local Plan has been to examination by the Planning Inspectorate but the Inspector's report has not been published at the time of writing this report, and as such the adopted DMP15 policy would carry considerably more weight than the emerging policy at present. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage.

#### Provision of affordable housing for the proposal

20. As part of the previously approved scheme the applicant submitted a financial viability assessment (FVA) which concluded that the maximum number of affordable units was four shared ownership units (4 x one bedroom flats). It was also subject to a post implementation review mechanism.

21. As part of the previously refused minor material amendment (LPA Ref: 19/2770) the applicant provided an updated FVA, dated February 2019, which concluded that the maximum number of affordable units

that could be viable as part of the scheme remained 4 units in shared ownership. This was independently assessed by BNP Paribas in October 2019 and the Council's Affordable Housing team who agreed with these conclusions, and found through their own modelling that the scheme was in deficit (approximately £770,000).

22. As part of the current application the applicant has submitted the same updated FVA which seeks to retain the existing arrangements in terms of affordable housing (i.e the provision of 4 x one bedroom shared ownership units). The applicants have noted that the construction costs for development have increased 7% since the figures used and information on house prices in the area indicates an increase of 1%. On that basis the viability of the scheme will have reduced since the previous approval and this would be likely to reduce the maximum amount of affordable housing provision. This approach has been reviewed and accepted by the Affordable Housing team who concur that the viability of the site will have reduced overall and as such a fresh FVA would likely reduce scheme viability and the amount of affordable housing provision. On that basis the number and mix of affordable units (four shared ownership homes) is considered to be acceptable, and represents the maximum reasonable amount of affordable housing. It therefore complies with policy DMP15.
23. Additionally, it is noted that the area, and scheme are subject to value growth over the development period. As the deficit is considered to be minor, the Council will be requiring a post implementation late stage viability review mechanism to be secured through a S106 agreement, to capture any uplift in affordable housing. In conclusion, the proposal has secured the maximum reason level of affordable housing.

### **Design and Appearance**

24. Policies DMP1 of the Development Management Policies and London Plan Policy 7.4 further state that development should be of a design, massing and scale which respects its surroundings.
25. Policy BD1 of the Draft Local Plan also emphasises high quality design in new development. Policy BD2 of the draft local plan identifies that development in Intensification Corridors can support a maximum height of 15m / 5 storeys. As such, it is expected that the character of these areas will change during the course of future developments in and a more contemporary approach can be acceptable.
26. The proposed building would be identical to that approved under 17/3717 (3-4 storeys) with the exception of an addition on the north western corner of the property at 3rd floor level, a forward extension of flat 39, the new fire escape and the roof terrace.

### **Scale, massing and bulk**

27. The extant permission as approved consists of a 3-4 storey L-shaped building wrapping around the corner of Kenton Road and Rushout Avenue. It would feature a central communal amenity space and basement for 30 parking spaces and cycle parking. The building was approved with a set back from Rushout Avenue to a depth broadly consistent with the established building line and the depth of front gardens along this area. Along Kenton Road the proposal would have a staggered depth ranging from 2m-3.5m from the pavement of Kenton Road.
28. In terms height the proposal would be finished with a flat roof of 3 storeys adjacent to no. 77 Kenton Road (matching the ridge height of the previously existing dwellinghouse) stepping up to 4 storeys adjacent to 85 Kenton Road. Along Rushout Avenue the building would have a maximum height of 4 storeys adjacent to the junction with Kenton Road reducing to 3 storeys adjacent to no. 2 Rushout Avenue. The height would be staggered to reflect changing ground levels along Rushout Avenue itself.
29. The bulk of the scheme was concentrated towards the junction with Kenton Road and the proposed articulation in the elevations and height was considered to provide a variation in the scale and massing of the building. Similarly the use of recessed and projecting windows along with projecting balconies was considered to help break up the overall façade of the development. Overall, the scale and massing was considered to acceptably fit in with the character and appearance of the wider context.
30. The addition on the northwest corner is to provide space for the new unit 40. It would result in an additional width of 4.9m at third floor level. The front and rear elevations of this element would align with the approved built form and the fenestration and materials would match that of the already approved scheme. Given that a good set in is still maintained to the boundary with the two storey houses on Rushout Avenue, the proposal is still considered to maintain an acceptable stepping arrangement in

height between the existing houses and four storeys approved on the junction of Kenton Road/Rushout Avenue.

31. The enlargement of Flat 39 (compared to the approved scheme) would involve bringing the outside face in line with that of the adjacent flat no. 38. It is acknowledged that this would reduce some of the 'staggered' appearance of the building where it faces Kenton Road. However, this is not considered to be unduly detrimental. In terms of appearance it would be in keeping with the wider development as a whole and would be acceptable.
32. Similarly, the proposed roof terrace would be largely surrounded by the approved built form and would not be highly visible from public views. As such, its impact on the character of the scheme is considered acceptable.
33. The proposed fire escape structure was approved under reference 19/4473 where the design and appearance was considered to be acceptable. The amount of shared amenity space lost would be offset by the relocation of cycle storage to the basement and the provision of the roof terrace. As such, this remains acceptable in appearance.

#### Layout

34. The layout of the development remains unchanged when compared to the extant permission. Two entrances are provided to the development onto Rushout Avenue. Core 1 will serve no more than 7 homes per floor and core 2 will serve no more than 4 homes per core. This would remain in compliance with the 8 flats per floor, per core ratio recommended by the London Plan. The overall layout of the units therefore remains acceptable.

#### **Residential Amenity**

35. Policy 7.6 of the London Plan and Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

#### Outlook

36. SPD1 requires new development to sit within a line drawn at 45 degree (measured at 2m high) from the boundary of adjoining private external amenity space, and to sit within a line of 30 degrees (measured at 2m from internal floor level) from neighbouring rear habitable room windows. New development when sitting alongside existing residential properties should also project no deeper than 1:2 rule (whereby the depth is no deeper than half the distance when measured from the middle of the neighbour's nearest rear habitable room window to the flank wall of the proposed development).
37. The extant permission was found to comply with this guidance and have an acceptable impact on the residential amenities of neighbouring properties. The proposed alteration to create Flat 40 would broadly align with the front and rear of No. 2 Rushout Avenue (with the exception of the balcony). However, this will remain within 1:2 rule set out above and within the 45 degree line when measured from the edge of the rear garden of No. 2 Rushout Avenue and No. 75 Kenton Road.
38. The proposed fire escape would be 2.5m high when taken from the ground level of the communal garden which itself is set lower than the neighbouring gardens. It is the same height as that approved under the minor material amendment application, and is therefore considered to maintain an acceptable relationship with the neighbouring properties.

#### Daylight and Sunlight

39. The applicant has submitted a Daylight/Sunlight report to support the scheme.
40. The report uses the Vertical Sky Component (VSC) test which measures the amount of visible sky outside a property. In addition, the report uses a No Skyline Contour (NSC) test which calculates the distribution of daylight within rooms. Guidance states that an undue impact is considered to be where the VSC levels drop below 27% or are reduced to 0.8 times their existing value or the NSC values drop to less than 0.8 times their former value.
41. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of

statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.

42. The report identifies 7 properties which could be potentially impacted by development. 77, 85, 88 and 90 Kenton Road and Nos 1, 2 and 3 Rushout Avenue.
43. The report notes that properties to the north of development (nos 88, 90 and 92 Kenton Road) would not be impacted by the proposal as it would fall below a 25 degree line taken from those opposite windows. Of the remaining properties concludes that the VSC value would remain above the required 27% for all properties and that APSH would remain above 25% and 5% respectively. As such good levels of daylight and sunlight would be received by neighbouring properties. In addition, overshadowing study to affected garden was undertaken, and concluded 50% of the rear gardens on Kenton Road and Rushout Avenue will continue to received 6.93 hours and 7.92 hours (respectively), which exceeds the BRE guidelines.
44. Overall, it is concluded that the proposal would not result in any undue impact on daylight or sunlight of neighbouring properties and is acceptable.

#### Privacy and Security

45. SPD1 requires a minimum distance of 9m from habitable room window to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. The proposal does not directly face the rear windows of adjoining properties.
46. The relationship of the windows on the front and rear would remain as per the approved scheme with separation distances of 25m from opposite properties on Kenton Road, and over 20m between the development and the boundaries of neighbouring gardens on Rushout Avenue and the same side of Kenton Road. Along the front of Kenton Road the separation distance, would remain as previously approved and the new additions would maintain this relationship.
47. The proposed roof terrace would be separated from the nearest neighbouring gardens by 20m and would feature screening along the edges. As such, this element would not result in any undue impact on privacy. The provision of the balcony to Flat 40 would have a similar relationship to neighbouring properties as the balcony below it and is not considered to result in any privacy issues subject to conditions ensuring suitable screening.
48. Objections have been raised concerning the potential for people to access neighbouring gardens by climbing on the proposed fire escape structure. These comments are noted but it is considered that the relationship between the structures and neighbouring gardens is not dissimilar to the relationship of residential outbuildings between neighbouring properties. The structure would benefit from natural surveillance from the approved residential units and located in clearly marked amenity space. It is therefore considered that this would not be grounds to refuse permission
49. Overall the application is considered not to result in any undue impact on residential amenity when compared with the extant scheme.

#### **Quality of Accommodation**

50. All of the proposed units would meet or exceed the minimum space standards as require by The London Plan policy 3.5. All bedrooms would meet the minimum sizes as set out by the Technical Housing Standards and policy D6 of the ITP London Plan. The floor to ceiling height of each unit would meet the 2.5m minimum required for development within London. All habitable rooms would be served with an external window with sufficient space adjacent to provide acceptable levels of outlook throughout the scheme.
51. As with the approved scheme units 6, 7, 8, 17, 18, 19, 28, 29 30 and 37 would be single aspect units directed north. This was considered acceptable in that application as the units met floorspace standards and the open plan nature of development was considered to maximise light across the flats. The new flat Unit 40 would be dual aspect and there would be no increase in the number of north facing units as part of this proposal. As such, the layout of the proposed units is considered to be acceptable.

#### Wheelchair accessible units

52. Policy 3.8 of The London plan (2016) and Policy D7 of the ITP London Plan require 10% of new dwellings to be disabled access units. The main entrance on Rushout Avenue would have wheelchair access to the main core. Additionally, as numerous units exceed the space standards they would be easily modified to be wheelchair accessible. The submitted Design and Access Statement indicates that all units with access to this core would be wheelchair accessible, exceeding the 10% requirement however no specific details have been submitted. As per the previous permission a condition is recommended to secure the location of the units within the scheme and to ensure that the 10% minimum is achieved which equates to 4 wheelchair units.

#### External amenity space

53. Policy DMP19 states the following:

*"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 will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."*

54. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 10.39) which provides that:

*"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".*

55. These requirements are carried forward in Brent's emerging Local Plan under policy heading BH13.
56. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.
57. The level of external amenity space is comparable to the extant permission. The additional unit proposed as part of this scheme has its own balcony. The level of communal amenity space remains as per the extant consent at ground floor level, and an additional communal roof top amenity space is proposed at third floor level.
58. The external amenity space target for the scheme is a total of 860sqm of (2 x 50sqm for ground floor three bedroom units and 38 x 20sqm for the remaining units). The scheme falls short of private external amenity space by 475 sqm (front gardens\* have been included as amenity space due to their design) . The shortfall would rise to 638.87sqm if front gardens are not included. This shortfall is offset in part by the communal amenity spaces at ground floor (421.75sqm) and at third floor level (41.37sqm), resulting in an overall cumulative shortfall in external amenity space across the scheme of 11.88sqm, which would increase to 175.75sqm if front gardens are not included . The proposal would result in an increase in the amount of external amenity space of more than 20 sqm above that of the extant permission as the current proposal includes a roof top amenity space that exceeds 20sqm. Therefore, the proposal would result in a reduction in the deficit in external amenity space when compared to the extant consent and the quality of accommodation is therefore better in this respect. \*Front gardens have been proposed as external amenity space and officers consider that they can be included due to the size, design and access to these spaces. However, in both situations the current proposal would represent an improvement over the extant consent (i.e. whether the front gardens are included in the calculation or not).

#### Playspace

59. Policy 3.6 of the London Plan and policy S4 of the ITP London plan require development to provide good quality and accessible playspace for children at a rate of 10sqm per child. Based on the GLA calculator the proposed development would require 38.5sqm of childrens playspace. The submitted design and access statement states that 40sqm of childrens playspace will be provided consisting of climbing

equipment and seating areas. This is acceptable in principle however more detail is required and this would be secured via condition.

### **Landscaping and Trees**

60. A total of 13 trees and a number of shrubs originally on the site have been lost as a result of the extant permission, to facilitate the development. These involved category B and C trees. However, the scheme proposes replacement trees within the communal and front gardens to compensate for the loss of trees, and to ensure that there is no net loss, it is recommended that a condition is secured to provide a minimum replacement of 13 trees within the development. The extant permission included tree protection measures to retain a street tree along Rushout Avenue frontage. It is recommended that a tree protection plan is also secured as part of any forthcoming consent.
61. Policy G5 of the ITP London Plan also states that development should contribute towards the greening of London and sets a target Urban Greening Factor (UGF) of 0.4. It is acknowledged that the proposal would have an UGF of 0.08 and as such fail to meet this requirement regarding Urban Greening. The extant permission included sedum roofs (a number with pv panels). The current proposal does not include the sedum roofs, but officers consider that a condition can be secured for the provision of sedum roofs that can be integrated with the PV panels. On balance, giving weight to the extant permission (which was granted consent before UGF became a planning consideration) and that this proposal does not result in a significant loss of sedum roof compared to the extant consent (details of which are to be conditioned), the shortfall can be supported in this instance.

### **Highways and Transport**

62. Kenton Road is a London Distributor Road and on street parking is restrictive due to the street being a London Distributor Road, with waiting restrictions along the site frontage. The street also carries 4 lanes of traffic.
63. Rushout Avenue has parking restrictions at the junction and adjacent to the site. However the rest of the street has unrestricted parking. Rushout Avenue is not defined as heavily parked overnight, but does experience heavy commuter parking during the day.
64. Kenton Road and Rushout Avenue are both bus routes. The Site has a PTAL Rating of 5 (Very Good).

### **Basement car park and consideration of overspill parking**

65. The proposal would feature a basement car park with 30 parking spaces accessed via vehicle ramp from Rushout Avenue. The access would be wide enough for one vehicle to pass in and out of the basement, with one waiting space on the curtilage of the site. This is intended to be managed by a set of traffic lights.
66. Car parking allowances for residential use are set out in standard appendix 1 of the Development Management Policies and due to the high access to public transport, the parking standards are reduced. Therefore a parking allowance of 0.75 spaces is permitted for a 1-2 bed unit and 1.2 spaces permitted for a 3+ bed unit.
67. The extant permission was for 39 units and had a maximum parking standard of 31 spaces based on a unit mix of 27 x one bedroom units, 8 x two bedroom units and 4 x three bedroom units. . With the addition of the new unit and the enlargement of flat 38, the unit mix has altered to 27 x one bedroom flats, 9 x two bedroom flats and 4 x three bedroom flats. this would increase to 31.758 spaces. Therefore the continued provision of 30 marked spaces would therefore still comply with Brent's current maximum standards.
68. Census data from 2011 shows average car ownership for flats in the area to be 0.74 cars/flat, which suggests that the proposed 30 spaces would match the likely future parking demand, meaning overspill parking from the site is unlikely to occur.
69. Objections have been raised as to potential for cars to wait on Rushout Avenue to enter the basement leading to congestion. Further concerns have been raised that this could lead to increased noise and air pollution as a result.
70. The proposed access ramp is identical to that approved under 20/0685. As part of the assessment of that

application it was considered that the arrangements were acceptable including the consideration of noise pollution and air quality from idling cars, subject to a condition to ensure that the default position of the traffic light system is to prioritise cars entering the site over those exiting the site. A similar condition has been imposed on this application to manage this.

71. The enlarged basement would extend close to the highway boundary and as such, an Approval In Principle status will need to be obtained from Brent's Highway & Infrastructure Service. However, this requirement sits outside of the Planning Assessment and an informative will be added to remind the applicant of their obligations. This was secured as part of the earlier minor material amendment.

72. An area in the basement is marked as a NO PARKING area and subject to car parking management plan (secured via planning condition) this would be acceptable.

#### Trip generation

73. The approved planning permission considered the likely trip generation from the development which included 2 arrivals/7 departures in the am peak hour and 4 arrivals/1 departures in the pm peak hour. As this scheme does not increase the level of parking with the basement, it is not considered that the trip generation as envisaged within the extent permission will change, and as a result, it is not considered that neighbouring occupiers would be materially affected in terms of increased noise/disturbance or increase levels of pollutants as a result of the signalled access into the car park

74. Taking into consideration these factors, it is considered that the addition of one additional unit would not result in any materially more harmful impact on the local traffic or parking situation that approved in the extant permission and would remain policy compliant.

#### Cycle and refuse

75. The basement as submitted and cycle parking location are identical to those approved as the extant permission (with the associated minor material amendments).

76. At the time of consent, the extant permission required a total of 51 cycle parking spaces in order to comply with policy 6.9 of The London Plan. This was provided via cycle storage in the communal garden.

77. The minimum cycle parking requirements in the ITP London Plan, which are 1.5 spaces per 1-bed flat and 2 spaces per 2- & 3-bed flats increase the total minimum provision required of 66 cycle parking spaces.

78. This is acknowledged. However, as the extant permission is a material consideration and was considered against the 2016 standards. In this instance the addition of one unit would increase the number of spaces required under those standards to a total of 52 units. In this instance it would be considered reasonable to apply those standards for the current proposal. Additionally, it is considered that providing all cycle parking in the basement would provide other benefits to the scheme in terms of adding useable shared amenity space at ground floor level.

79. The principle of cycle parking in the basement has been established by the approval of 19/4473 and 20/685. 43 spaces are shown on the plans however specific details of the type of storage proposed and it is acknowledged that this fall short of the 52 required spaces. As per the previously approved scheme a condition has been attached to ensure that details of the cycle parking are submitted and approved prior to first occupation of the development.

80. With regards to the refuse area itself no change from the original approval is proposed or required and remains acceptable

81. Servicing is proposed from Kenton Road which would avoid larger collection vehicles from requiring access to Rushout Avenue. This is considered an acceptable solution and a condition requiring a Servicing and Delivery Plan to be submitted and approved has been imposed.

#### **Environmental Health**

82. In the previously approved permission a condition was attached requiring that that all residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice'. The flats and associated rooms should be designed and constructed in

accordance with Approved Document E - Resistance to the Passage of Sound, 1st July 2003. Residential developments must be designed to ensure that vibration levels are not exceeded due to road, rail or industry, BS6472:1992 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz).

83. This condition remains relevant and has been applied to the current scheme
84. Similarly conditions were imposed on the extant permission requiring a Construction Method Statement to be submitted and approved in order to mitigate impacts of construction on neighbouring properties. No CMS has been submitted with this application and as such a similar condition has been applied.
85. The site lies within an Air Quality Management Area as per policy 7.4 of The London Plan. The applicant has submitted an Air Quality Impact Assessment which concludes that the scheme would be air quality neutral in terms of both building emissions and transport emissions. It is unclear from the report whether this is based on the updated scheme, but given that the proposal does not increase parking provision and only one additional flat is proposed, the scheme is unlikely to result in increased levels of emissions from either transport or building emissions, to result in the scheme not being air quality neutral.

### **Sustainability and drainage**

86. London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. As outlined in the Housing SPG from 1 of October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).
87. Policy SI 2 of the ITP London Plan also seeks to ensure that major development is net zero-carbon. A minimum on-site reduction of at least 35 % is also required with any shortfall provided via cash
88. The applicant has included an Energy Statement with the proposal. The statement outlines numerous sustainable design and construction methods. It is highlighted that the building would exceed Part L1A building regulations requirements. It is intended to incorporate natural mechanical ventilation system and water consumption will be reduced by using water efficiency measures. A combined heat and power system is proposed within the development and the report submitted illustrates that it is highly energy efficient and will achieve a 74% reduction in carbon emissions. Photovoltaic Panels are also proposed on the roof of the development which enhances the reduction. These proposed panels will be directed south for more efficiency.
89. The report submitted indicates that the development will result in in a 76% reduction in CO2 emission utilising Be Lean, Be Clean, Be Green measures. Addition carbon reductions to achieve zero carbon can be provided thorough a carbon off-setting contribution and will be included as part of the s106 agreement to secure the delivery of carbon dioxide savings elsewhere.
90. The applicant has stated that the drainage aspects of the proposal would be managed by a Sustainable Drainage System (SuDS). The addition of one additional unit at third floor level would not materially impact the overall drainage impacts of the wider extant scheme. Subject to further details on the SUDs secured via planning condition this would be acceptable.

### **Equalities**

91. 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**

92. Considering all relevant policies and material considerations. It is considered that the proposal would result in a contribution to the borough's housing stock including affordable housing provision and would

not result in any undue harm to the character and appearance of the area or neighbouring amenity. Transport impacts have been assessed and are considered to not be detrimental to the local highways network.

93. It is acknowledged that there would be a shortfall in amenity space and urban greening below policy targets. However, the shortfall is below that of the extant consent and the proposal represents an improvement in relation to this. Weighing up the benefits of the development as a whole and taking due consideration of the extant permission, the proposal is considered to materially accord with the development plan and the benefits of the scheme are considered to outweigh these shortcomings.
94. The application is therefore recommended for approval subject to the conditions and S106 Obligation set out in this report.

## CIL DETAILS

This application is liable to pay **£951,876.31** \* 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): 587 sq. m.

Total amount of floorspace on completion (G): 3229.21 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
(Mayoral) Dwelling houses	3229.21		2642.21	£0.00	£60.00	£0.00	£163,931.54
(Brent) Dwelling houses	3229.21		2642.21	£200.00	£0.00	£787,944.77	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£787,944.77</b>	<b>£163,931.54</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: 20/2164

To: Liz Alexander  
Bell Cornwell  
Unit 2  
Meridian Office Park  
Osborn Way  
HOOK  
RG27 9HY

I refer to your application dated **21/07/2020** proposing the following:

Erection of a part three part four storey building comprising self-contained flats with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping

and accompanied by plans or documents listed here:  
See Condition 2

at **79-83 ODDS, Kenton Road, Harrow, HA3 0AH**

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: 05/01/2021

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:-

Adopted policy

London Plan 2016  
Brent's Core Strategy 2010  
Brent's Development Management Policies 2016

Emerging Policy

The Draft London Plan Intend to Publish Version 2019  
Brent's Draft Local Plan 2020

Other material considerations

National Planning Policy Framework 2019

Brent's Design Guide SPD1

- 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):

Location Plan, A002 REV 01, A200 REV 03, A201 REV 03, A202 REV 03, A203 REV 03, A204 REV 04, A205 REV 04, A210 REV 02, A211 REV 02, A212 REV 02, A213 REV 01, A214 REV 01, A220 REV 01, A221 REV 03, A222 REV 05, A223 REV 04, KNR-DLTY-01-GR-DR-T-10100-P04, KNR-DLTY-01-GR-DR-T-10101-P04

Supporting Documents: Daylight and Sunlight Assessment, Energy and Sustainability Assessment, Planning Statement, Statement of Community Involvement, Traffic Control Statement, Transport Statement, Air Quality Assessment, Noise Assessment Report, Financial Viability Report

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

- 3 The scheme hereby approved shall contain 40 residential homes as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 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 Prior to the occupation of the residential units hereby approved the communal and private external amenity spaces shown on the drawings hereby approved shall be provided in accordance with the approved details and made available. They shall be retained as such for the lifetime of the Development.

Reason: To ensure that the residential units are high quality and offer acceptable amenity standards for future residents.

- 6 Units 10, 21, 31 and 32 shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) with intermediate units provided as fully adapted units and the remainder of units shall meet easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users and to future proof homes.

- 7 The car parking spaces and accesses shall be laid out and made available prior to the occupation of any part of the development hereby approved and shall thereafter be retained as such for the lifetime of the Development. The car parking spaces shall be maintained as ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that the impact of the development on the highways network is appropriate.

- 8 A communal television aerial and satellite dish system shall be provided, linking to all residential units unless otherwise agreed in writing by the local planning authority.

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

- 9 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.

- 10 The refuse areas shown on the drawings hereby approved shall be provided and made available prior to the occupation of the residential units. They shall be maintained as such thereafter.

Reason: To ensure that the residential units are high quality and that the development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 11 The scheme shall be constructed in accordance with the Sustainable Drainage measures described in the approved Flood Risk Assessment, SuDs & Drainage Strategy Report prepared by Nimbus Engineering Consultants Ltd.

Reason: To reduce the flow of surface water into the drainage system.

- 12 The traffic light system hereby approved shall prioritise traffic entering the site by ensuring that the traffic light at the entrance to the ramp is set to green by default unless a car is exiting the basement parking. A warning sign shall be placed at the bottom of the ramp advising drivers to progress slowly with caution. This arrangement shall be maintained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of the development on the local highways network

- 13 Prior to the commencement of development, a Construction Management Statement which incorporates details of dust management, noise and other environmental impacts of the development in relation to the surroundings shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 14 Prior to commencement of development details of tree protection measures for the street tree along the Rushout Avenue frontage shall be submitted to and approved in writing by the Local Planning Authority, and thereafter enacted and remain in place for the duration of the construction period, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that those trees considered worthy of retention are protected from damage.

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.

- 15 Prior to commencement of development (excluding site clearance, preparation works and laying of foundations) details of all exterior materials including samples (which shall be made available for viewing on site or in another location as agreed) and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens to balconies

The works shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is high quality, and in the interest of the privacy of future occupants.

- 16 Within 3 months of commencement of development, full details of electric vehicle charging points (with 20% to facilitate charging and 20% capable of being upgraded in the future) shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be provided in accordance with these details prior to the occupation of any part of the development and retained for the lifetime of the Development.

Reason: To encourage sustainable forms of transportation.

- 17 Within 9 months of commencement of development, a site wide children's play space plan shall be submitted and approved in writing by the Local Planning Authority. Such details shall include:

- (i) the location of the play area and/or equipment
- (ii) details of the equipment / measures to meet the minimum standards for play

The approved equipment / measures shall be installed prior to the occupation of the residential units and retained for the lifetime of the Development.

Reason: To ensure there is sufficient provision of areas and equipment for children's play.

- 18 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 9 months of commencement of development. Such a scheme shall include:-

- (a) all planting and trees including location, species, size, density and number incorporating native species (including a minimum provision of 13 new trees within the front and communal gardens);
- (b) details of the layouts of the publicly accessible spaces;
- (c) areas of all hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users;
- (d) the location of, details of materials and finishes of, all street furniture, drainage and external cycle stands;
- (e) proposed boundary treatments including walls, fencing, retaining walls, divisions between private amenity spaces, indicating materials and height;
- (f) details of defensible space in front of bedrooms serving unit 10 at ground floor level;
- (g) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (h) details of all tree planting pits (including surfacing);
- (i) details of the pedestrian access ramp along Rushout Avenue (to include details of materials of surface of ramp, gradient and details of hand rails)

The approved details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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

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

- 19 Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- 20 Prior to first occupation of the units hereby approved, an assessment of the noise level from any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be

carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- 21 Prior to first occupation of the approved development, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include on how measures would be put in place to ensure that the number of car parking spaces within the basement does not exceed 30 spaces as shown in the approved car park layout.

The car park management plan shall thereafter be carried out in accordance with the approved details and retained throughout the lifetime of the development.

Reason: To ensure that over provision of parking does not occur on site

- 22 All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

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

Prior to first occupation of the residential units hereby approved a test shall be carried out to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

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

- 23 The proposed crossover on Rushout Avenue and any redundant crossovers on Kenton Road and Rushout Avenue shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Local Highway Authority, with the works carried out and completed in accordance with these approved prior to first occupation of the development hereby approved.

Reason: In the interests of highway conditions within the vicinity of the site.

- 24 Prior to the occupation of the residential units hereby approved a Deliveries and Servicing Management Plan setting out delivery arrangements shall be submitted to and approved by the Local Planning Authority. The approved details shall be fully implemented upon first occupation of the non-residential units within the development, and maintained thereafter.

Reason: In the interests of providing sufficient servicing facilities on site, and ensuring that the relationship with the highways network and neighbouring properties is acceptable.

- 25 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to first occupation of the development hereby approved. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: To protect the amenity of existing and future residents and in the interest of safety and ecology.

- 26 Prior to the occupation of the residential units hereby approved details of the sedum roof shall be submitted to and approved by the Local Planning Authority. This shall include details of species mix, depth and maintenance regime. The approved details shall be fully implemented upon first occupation of the non-residential units within the development, and maintained thereafter.

Reason: In the interests of maximising the sustainability (and in particular the ecological) benefits of the development.

- 27 Prior to the occupation of the units hereby approved, details of how the vehicle entrance gate to Rushout Avenue shall be controlled and how access will be managed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable security arrangements are in place for future residents.

- 28 Within 9 months of commencement of development, full details of the cycle spaces shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings, these details shall show a minimum of 52 secure spaces located within the basement. The spaces shall be provided in accordance with these details prior to the occupation of any part of the development and retained for the lifetime of the Development.

Reason: To encourage sustainable forms of transportation.

- 29 Within 3 months of first occupation of the development, a Residential Travel Plan shall be submitted to and approved in writing to the Local Planning Authority. This shall demonstrate the Travel Plan is of sufficient quality to score a PASS when assessed under Transport for London's ATTrBuTE programme (or any replacement thereof), to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets. The approved Travel Plan shall be fully implemented for the lifetime of the Development, or as amended by the agreement of the Local Planning Authority in writing.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems.

## 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 provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 In relation to condition 30, the applicant is advised to contact the Council's Highways and Infrastructure Service on 020 8937 5121 to make arrangements for the crossover works to be carried out.

- 5 In relation to condition 21, the applicant is advised to contact the Council's Tree Officer, Lawrence Usherwood. The contact details are [lawrence.usherwood@brent.gov.uk](mailto:lawrence.usherwood@brent.gov.uk) or on 020 8937 5247.
- 6 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 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.
- 9 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00  
Saturday 08:00 to 13:00  
At no time on Sundays or Bank Holidays

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299