

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

29 March, 2021
04
20/2257

SITE INFORMATION

RECEIVED	28 July, 2020
WARD	Willesden Green
PLANNING AREA	
LOCATION	Willesden Green Garage, St Pauls Avenue, London, NW2 5TG
PROPOSAL	<p>Variation of condition 2 (approved plans) to allow for</p> <ul style="list-style-type: none">- Internal alterations to facilitate the creation of 6 additional residential units- External alterations to include additional windows, winter gardens and roof terrace- Reduction in size of basement and repositioned ramp <p>and Variation of Condition 17 (Mix) of full planning application 17/5291, allowed on appeal dated 17 December 2019 (amended under non material amendment application 20/1873) for Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide residential units with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping</p>
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_150886</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "20/2257" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Energy Strategy
4. Travel Plan
5. Permit free agreement
6. Training and Employment
7. Affordable Housing including a review mechanism
8. Considerate Constructors Scheme
9. s278 highway works
10. Any other planning obligation(s) considered necessary by the Head of Planning

Resolve to **grant** planning permission subject to conditions.

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
2. Approved Plan
3. Noise within residential properties
4. Plant noise
5. Wheelchair accessible
6. Marking out of parking bays
7. Vegetation clearance
8. Details of materials
9. Landscaping
10. Water consumption
11. Air Quality mitigation measures
12. Drainage strategy
13. Gates to basement car park
14. Design and construction method
15. Piling and excavation works
16. Ecology
17. Unit Mix

Informatives

1. CIL Liable
2. Party Wall
3. Building Near Boundary
4. London Living Wage
5. Fire Safety
6. Mains water use
7. Water pressure
8. British standard code of Practice

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.

SITE MAP



Planning Committee Map

Site address: Willesden Green Garage, St Pauls Avenue, London, NW2 5TG

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This map is indicative only.

PROPOSAL IN DETAIL

Variation of condition 2 (approved plans) and Variation of Condition 17 (Mix) to allow for

- Internal alterations to facilitate the creation of 6 additional residential units (increasing the total to 76)
- Additional column of windows to elevation fronting St Pauls Avenue
- Removal of offset window
- Reduction in size of basement and repositioned ramp
- Altered design of winter gardens and additional winter gardens to the rear elevation -
- 76 units consisting of 38 x 1-bed, 24x 2-bed and 14 x 3-bed

of full planning application 17/5291, allowed on appeal dated 17 December 2019 (amended under non material amendment application 20/1873) for Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide residential units with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

EXISTING

The site previously consisted of a petrol filling station that has been demolished. The site was then used as an MOT centre and a car wash and car park. The site is located on the corner of St Paul's Avenue and Park Avenue North and a train/underground line is located to the north. The area is generally residential in character with Willesden Town Centre located 230 metres to the south of the site. To the west of the site and directly across the road is Kingsley Court which is a large Grade II listed, residential building built in the 1930s. The site is not located within a conservation area. To the south of the site there are a number of attractive mansion blocks from the Victorian era. To the east of the site there is a row of two storey, terraced properties that lead up St Pauls Avenue to Willesden High Street.

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:

Principle: The principle of the development has already been established by the extant planning permission 17/5291.

Character and Appearance: The proposal is considered to have a high quality design that has regard to the character of its surroundings and would have an appropriate relationship with the surrounding buildings and would not result in harm to the setting of the Grade II Listed Building.

Standard of Accommodation: The living conditions of future occupiers of the development would be acceptable and would sufficiently meet the relevant standards in terms of internal space, light and outlook. External amenity space would be provided in the form of private balconies and terraces, as well as communal space at ground floor, third floor and fourth floor. Whilst the provision would fall below DMP 19 standards, the quality and quantity of on site provision is considered sufficient to meet residents needs and there is also a local park within walking distance of the site.

Impact on Neighbouring Amenity: The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that although there would be a material loss of light for a small number of properties that the relationship between the proposed development and all surrounding properties is considered to be acceptable and would not be materially greater than that considered acceptable under the extant permission.

Parking & Servicing: It is considered that the combination of the 18 parking spaces proposed and the use of a 'parking permit free' agreement secured by legal agreement would mitigate against parking concerns in the area. It is considered that the proposal would be adequately serviced by utilising the space on St Paul's

Avenue.

Representations received: Objections were received from 9 local residents raising concerns regarding heritage & design, the impact on character, parking, flooding, neighbours living conditions, consultation, impact on local services, the amount of affordable/family housing and over development of the site.

RELEVANT SITE HISTORY

17/5291 - Allowed on appeal

Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

CONSULTATIONS

318 neighbouring properties were notified and a site and press notice were displayed. At the time of writing this report 9 objections and an objecting petition had been received. The objections are summarised below

Objection	Response
Disturbance caused by construction	Some disturbance is inevitable with most building works. Measures are encouraged to minimise the potential adverse impact on the neighbouring properties. Other legislation primarily ensures that construction works are carried out within reasonable times and the neighbouring properties are protected from damage.
Parking overflow	The development provides some off street parking and would be subject to a parking permit restriction. This is discussed in paragraph. 37
Additional population noise in an already hectic junction	The principle of residential development has already been accepted. It is not considered that the addition of 6 additional homes would result in any undue noise disturbance
Architectural desecration of the area	The proposal maintains the design principles of the approved scheme. Please see paragraphs 14-19
Impact on local schools, doctors surgeries and dental practices that are already overstretched	The development would be CIL liable with monies collected being used to fund local infrastructure
Too big for the site and will be completely out of character with immediate properties	The scale, bulk and massing of the development is consistent with the approved scheme. Please see paragraphs 14-19
FVA appraisal should have been submitted with application	An FVA has been submitted with the application, as discussed in paragraphs 18-21
No Deed of Variation to comment on	The applicant has submitted draft heads of terms, and the Heads of Terms proposed by officers set out in this report. The full legal agreement is prepared prior to consent being granted (when an application is to be approved) and would not be expected at submission stage.
Application does not equate to an Minor Material Amendment	Please see paragraphs 2-5
Significant loss of light	The applicant has submitted a daylight/sunlight addendum to show that the changes proposed would not result in additional daylight/sunlight impacts over that which was already considered

	acceptable under the extant scheme. Please see paragraphs 29-30
Reduction in amenity space	Discussed in main body of the report. Please see paragraphs 37-46
Reduction in percentage of affordable housing	The number of affordable units remains the same as the extant scheme although the percentage would reduce. The applicant has submitted an FVA to demonstrate that the scheme would be in financial deficit with the 13 affordable units retained. Please see paragraphs 18-21
Increase in noise disturbance due to the alterations to basement car park	A noise assessment has been submitted in support of the application. This is discussed in the main body of the report. Please see paragraphs 31-32
Development would result in increased traffic	The application has been supported by a Transport Assessment that concludes that the development would result in an overall reduction of vehicular trips when compared to the existing site
Pedestrian path at the boundary with 75 St Pauls Avenue is intrusive and increases crime and security concerns	Accesses from St Pauls Avenue are gated and a suitable boundary treatment would address any privacy issues. .
Safety concerns as the original land has been used as a garage	Land contamination has been considered and relevant conditions attached to ensure the land is safe for residential use
Condition 6 of the planning permission requires 10% of parking spaces to be disabled	Condition 6 requires 10% of the residential units to be wheelchair accessible
Names of consultants offering analysis in relation to noise and daylight/sunlight are publicly available	The reports are available on the website, only sensitive information has been redacted from public view
Noise and disturbance caused by refuse collection	Whilst this process might cause some increase in noise, this wouldn't be over a sustained period, given that collections generally occur on a weekly basis

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2021 London Plan.

London Plan 2021

GG1 Building Strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering New Homes Londoners need

GG5 Growing a Good Economy

GG6 Increasing Efficiency and Resilience

D1 London's Form and Characteristics

D2 Delivering Good Design

D3 Inclusive Design

D4 Housing Quality and Standards

D5 Accessible Housing
D6 Optimising Housing Density
D11 Fire Safety
D13 Noise
G1 Green Infrastructure
G7 Trees and Woodlands
H1 Increasing Housing Supply
H12 Housing size mix
SI1 Improving Air Quality
SI5 Water Infrastructure
SI7 Reducing Waste and Supporting the Circular Economy
SI12 Flood Risk Management
SI13 Sustainable Drainage
T4 Assessing and Mitigating Transport Impacts
T5 Cycling
T6 Car Parking
T7 Deliveries, servicing and construction

Brent Core Strategy (2010)

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP5: Placemaking
CP6: Design & Density in Place Shaping
CP17: Protecting and enhancing the suburban character of Brent
CP21: A Balanced Housing Stock

Brent Development Management Policies (2016)

DMP 1: Development Management General Policy
DMP 7: Brent's Heritage Assets
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

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. 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.

Brent Draft Local Plan

DMP1 – Development Management General Policy

BD1: Leading the Way in Good Urban Design

BH1: Increasing Housing Supply in Brent

BH5: Affordable Housing

BH6: Housing Size Mix

BG12: Trees and Woodlands

BH13: Residential Amenity Space

BSUI2: Air Quality

BSUI4: On Site Water Management and Surface Water Attenuation

BT1: Sustainable Travel Choice

BT2: Parking and Car Free Development

BT4: Forming an Access on to a Road

The following are also material planning considerations

National Planning Policy Framework (2019)

Supplementary Planning Documents/Guidance (SPD/SPG)

Brent SPD1: Design Guide for New Development (2018)

Mayor's Housing SPG

Mayor's Sustainable Design and Construction SPG

National Planning Policy Guidance

National Design Guide

Brent Waste Planning Guide

DETAILED CONSIDERATIONS

Background and type of application

1. The permission to which this variation of condition application relates was allowed on appeal on 19 December 2019. The principle of the development has therefore already been established and this report seeks to assess the acceptability of the various external alterations and increase in the number of

residential units having regard to the extant scheme.

2. Section 73 of the Town and Country Planning Act allows an applicant to vary or remove conditions attached to a planning consent, and if that variation is considered to be acceptable, a new independent planning consent is issued to carry out the development subject to new or amended conditions. The Planning Practice Guidance clarifies that one of the uses of Section 73 applications is to seek a “minor material amendment” to a scheme where there is a relevant condition that can be varied. In this instance, it is the condition relating to the approved drawings and documents. The Act does not refer to “minor material amendments” and previous case law has established that the amendments should not constitute a “fundamental alteration” granted through the original consent. It should also be noted that a new consent granted through Section 73 must be subject to the same timeframes for commencement as the original consent.
3. The legislation does provide a definition of “fundamental alteration” and it is for the decision maker to consider the proposal in relation to the previous consent and come to a view on this matter. However, recent case law has established that one may not vary the formal description of development through Section 73.
4. The proposal would result in an increase in the number of homes within the development. However, this is achieved through changes to the internal configuration of the building and associated changes in the façade, and the proposal would not change the height, scale, massing or bulk of the development. The increase in the number of homes would affect some of the material planning considerations. However, given the scale and nature of the change, this is not considered to constitute a fundamental alteration. Other change are proposed, including a reduction in the extent of the basement. However, these also are not considered to fundamentally alter the development that benefits from planning permission.
5. It is considered appropriate to consider the proposed changes to the scheme through an application made under Section 73 (to vary conditions relating to the approved plans and unit mix). However, the impacts of the proposal must be considered having regard to the development plan, with the relevant planning considerations discussed within this report.

Housing

6. 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. Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation.
7. The London Plan recently increased the housing targets for London boroughs with the target number for Brent increasing from 1,525 to 2,325 per year. In relation to the housing element, the proposed application seeks to provide an additional 6 (3 x 1 bed, 2 x 2 bed and 1 x 3 bed) homes increasing the total to be delivered on site to 76. The development would therefore further contribute to the delivery of London's housing requirements and the Council's minimum housing target in line London Plan Policy H1, and emerging policy BH1 of Brent's Local Plan.

Housing Mix

8. On schemes of over 10 units policies CP2 and DMP 15 as well as emerging Local Plan policy BH6 requires the provision of family sized homes, with a borough wide target of 25% family units.
9. In terms of the family sized dwellings, the extant scheme delivers 13 x 3 bedroom units which equates to 18.6% family housing on site. The proposed scheme would provide 14 x 3 bedroom units on site which equates to 18.4% family housing on site. The development would therefore retain a comparable percentage of family housing and would have the benefit of delivering one additional family unit within the affordable rented tenure.

Affordable Housing

10. Brent's adopted local Policies CP2 and DMP15 set out the requirements for major applications in respect of affordable housing provision, and stipulate 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 policy also allows for a reduction in affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). It does not require all schemes to deliver 50% Affordable Housing.
11. 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.
12. London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and requires the following split of affordable housing provision to be 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 products; 40% to be determined by the borough based on identified need.
13. 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 (emerging Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. Brent draft 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 London Plan Policy H6 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.
14. Brent's draft Local Plan has only recently been examined by the Planning Inspectorate and as such the adopted Policy DMP15 would carry considerably more weight than the emerging policy at present. The policy requirements can be summarised as follows:

Policy context	Status	% Affordable Housing required	Tenure split		
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (to 80 % Market)	30% Intermediate	
London Plan	Adopted	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough
Emerging Local Plan	Limited weight	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	

15. The extant scheme provided 18.5% affordable housing which was rigorously tested at the application stage and this was found to be the maximum reasonable amount. This equated to 13 units on a policy compliant mix (69:31 in favour of affordable rented homes) with the following unit sizes.

Unit Type	Private	Intermediate	Affordable Rent
1 bed	28	2	5
2 bed	19	1	2
3 bed	10	1	2
Total	57	4	9

16. In this case the application seeks to again provide 13 affordable units with a slightly altered mix as detailed below

Unit Type	Private	Intermediate	Affordable Rent
1 bed	31	2	5
2 bed	22	1	1
3 bed	10	1	3
Total	63	4	9

17. The applicant therefore seeks to maintain the same quantum of affordable housing despite a net increase in the number of homes within the scheme, although one additional family unit in the affordable rented tenure would be provided. Whilst the number of affordable units would be retained, the increase in units would reduce the percentage provision to 17.1%.

18. In order to demonstrate that the scheme continues to provide the maximum reasonable amount of affordable housing on site, a Financial Viability Assessment prepared by Redloft has been submitted in support of the application. This viability appraisal has been rigorously tested by BPS on behalf of the Council.

19. With the submitted FVA, Red Loft adopted the benchmark land value suggested by BPS in their viability report in relation to the original planning permission 17/5291. This was based on an EUV of £1,879,691 and a landowner premium of 10% giving a benchmark land value of £2,067,660. BPS agree with Red Loft in relation to this assumption having regard to the site being in continuous use and values being relatively stagnant since the date of the original viability report.

20. Whilst BPS and Red Loft are in agreement in relation to the BLV, they are not in agreement in relation to some of the assumption, with BPS adopting different values to Redloft in relation to the both Private and Affordable Residential Values, Developer profit and Finance Rates. In addition BPS have included assumptions in relation to Ground Rent and Car Parking values which were not included by Red Loft.

21. Nevertheless, whilst not all assumptions have been agreed, both Redloft and BPS conclude that the scheme would be in a financial deficit, with Red Loft concluding a deficit of £3.76 million and BPS concluding a less acute deficit of £2.27 million. Nevertheless, both conclusions indicate that the scheme is delivering the maximum reasonable amount of affordable housing on a 70:30 split of Affordable Rent to Intermediate homes. As discussed above, the adopted 2021 London Plan now requires 30% of the Affordable homes to be at London Affordable Rent (LAR). The extant consent is a material consideration and in this instance, it is not considered reasonable or appropriate to require the homes to be provided as LAR.

Character and appearance

22. The proposed development seeks to accommodate the additional residential units within the envelope of the approved building. There would therefore be no material change to the height, scale, massing or bulk of the development as already approved. External changes are therefore limited to the elevations of the

building and basement level.

23. The approved basement is proposed to be reduced in size and the access altered. As approved, the ramp leading to the basement car park was covered with a green roof and extended to the rear of the site. In this case the access ramp is proposed to be exposed and has been reduced in depth. Whilst it is accepted that the green roof would serve to better limit the visual presence of the basement, the ramp would be well set back from the highway with a gate at the access point and therefore even when exposed it is not considered that the lack of greening would mean it would be a particularly visible or prominent element of the proposal .
24. On the western elevation fronting Park Avenue, an additional column of windows are proposed. However, these are of the same style, size and proportions as those already approved and would not result in any cluttering of the elevation.
25. The most significant external changes occur to the rear of the site whereby additional winter gardens are proposed. The extant scheme already featured large amounts of glazing to the rear and the addition of the winter gardens would not alter this approach. The proposed arrangement to the rear elevation is considered an improvement to the appearance of the rear elevation when compared to the extant scheme.
26. Two of the offset windows close to the boundary with 75 St Pauls Avenue are proposed to be removed. The offset window at first floor is proposed to be retained and enlarged. Whilst full height with brick surround, given that it would be set back from the front elevation by 7.5m it would not result in a visually prominent addition and is considered acceptable.
27. Given the relatively minor nature of the external changes and the fact that the design principles of the extant scheme have not been altered significantly, the development would continue to have an acceptable impact on the character and appearance of the locality and an acceptable impact on the special architectural and historic interest of the Grade II Listed Kingsbury Court.

Impact on neighbouring properties.

28. The scale and massing of the development would be the same as that of the consented scheme and therefore the development would continue to comply with 45 degree rule as specified in SPD 1. The breach of 30 degree rule when considered in relation to 75 St Pauls Avenue would be the same as the extant consent.
29. Furthermore, whilst the nature of the external alterations would unlikely result in any material reduction in light to neighbouring properties over that which has already been considered acceptable, the applicant has provided a daylight/sunlight letter from EB7 the daylight sunlight consultants to confirm this. This states that given that the scale, mass and bulk of the scheme has been retained as approved, there would be no additional adverse impacts on the occupants of neighbouring properties and suggests that the alterations to the eastern elevation (the removal of offset windows and roof the basement car park) has the potential to result in minor increases to the retained amenity of 75/75A St Paul's Avenue. The report concludes that the proposed external changes do not warrant further technical analysis of the development against BRE standards and the previous conclusions remain relevant. . It should be noted that while the previous application was refused by planning committee due to the impact of the scheme on the light received by a window within the neighbouring property, the Inspector specified the following:

whilst the appeal development would adversely affect the living conditions of the occupiers of No 75 with regard to natural light, the layout of the properties and the limited extent of the adverse effects means that this would not result in unacceptable harm.

30. The development would result in the alterations to the approved fenestration. The most sensitive are those to the eastern elevation facing 76 St Pauls Avenue. The offset windows at second and third floor would be removed and an additional window proposed at second floor and at fourth and fifth floor. Given the set off from these additional side facing windows to the boundary with the 76 St Pauls Avenue, overlooking distances would be respected and the proposal is not considered to result in an undue impact with regards to the privacy enjoyed by the occupiers of these units.
31. As the proposed basement ramp would no longer be covered, comments have been received in relation

to additional noise generated. The application has been accompanied by a noise assessment which has been reviewed by Environmental Health Noise Officers who are satisfied that any noise generated would be within acceptable limits. The report concludes that due to the existing use of the site and access neighbouring residents are already subject to some vehicle movements and therefore the acoustic climate is unlikely to materially worsen during the daytime hours. Whilst it does note that car park activity may be more noticeable during quieter times of the day, any noise generated would not adversely affect indoor noise levels and would comply with relevant guidance.

32. A comment has also been received in relation to noise generated from the communal garden. It should be noted that the communal garden forms part of the extant scheme, and the addition 6 residential units would unlikely result in any material increase in noise disturbance, over that which has already been considered acceptable.
33. In order to minimise any noise disturbance arising from the development a condition will be attached requiring the noise from any plant and ancillary equipment to be 5dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.
34. The proposed amendments would continue to have an acceptable impact on the occupants of neighbouring residential properties.

Quality of accommodation

Internal amenity

35. Policy DMP18 states that the size of the dwellings should be consistent with London Plan Policy D3.5 Table 3.3 Minimum Space Standards for New Dwellings (now superseded). Draft London Plan Policy D6 also sets out minimum space standards for new dwellings. All of the new homes which would meet or exceed technical space standard requirements for their respective size and occupancy levels. All units would also achieve the minimum 2.5m floor to ceiling height.
36. All units would be well served by windows offering good levels of light and outlook. The majority of three bedroom units would be dual aspect, however the majority of the units on the southern and western side of the site would single aspect. This is also the case with the extant consent. The extant consent proposed 26 dual aspect units and 44 single aspect units. The proposed development delivers 25 dual aspects units and single aspects units. Whilst a slight reduction on dual aspect units and a higher proportion of single aspect units, as before the single aspect units would largely be smaller units and their orientation ensures they would be of a good quality. Five of the private floors would exceed the Housing SPG target of 8 homes per floor per core (with 2 x 9, 2 x 10 and 1 x 12 homes per core on the respective cores). However, this is not considered to have a significant impact on the quality of accommodation or levels of social cohesion.

External amenity

37. Policy DMP19 establishes that all new dwellings are 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 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
38. The DMP19 requirement for external private amenity space established through DMP19 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that 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". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
39. With regard to quality of the space, the supporting text to policy DMP19 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
40. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the emerging

policy.

41. Private amenity space would be provided in the form of terraces and balconies. All of the units would benefit from private external space, with 72 out of the 76 units proposed meeting the requirements of London Plan Policy D6. Four 3b6p units at second to fifth floor (private units) would fall short of the minimum requirement of 9sqm of external space at 5.8m², however all of the units would very oversized internally with minimum space standards requiring 87sqm of internal space with each of the units having a GIA of 97.5sqm of internal space. It should also be noted that this was the case with the extant scheme.
42. In order to supplement the private amenity space, communal amenity space is provided at ground floor level, and at third and fourth floor level in the form of communal terraces. Due to the arrangement of cores, the communal space at ground floor would be for the use of all residents whereas the terraces at third and fourth floor would only be accessible to the homes accessed via the respective cores. However, it should be noted that this is the same arrangement in the extant consent.
43. 33. The ground floor communal space measures 367sqm, with the third floor roof terrace measuring 100sqm and the fourth floor measuring 135sqm.

The following table sets out the provision of amenity space having regard to DMP19 targets.

Core	Western	Eastern
No. 1- / 2-bedroom homes	52	10
No. 3-bedroom homes	10	4
Amenity space target (DMP19)	1,540 sqm	400 sqm
Shortfall in private amenity space	687sqm	156sqm
Total share of communal roof terraces	235 sqm	0 sqm
Total share of communal garden	299 sqm	68 sqm
Adjusted shortfall	153	88

44. The extant consent was considered to provide an appropriate quality and quantity of external amenity space and this is a material consideration when evaluating the current application. There was a shortfall of 159 sqm within the extant scheme, when considering the provision of private and communal space on site.
45. As well as quantity consideration must also be given to whether the quality of the amenity space is sufficient for the proposed users. Private balconies and terraces are at least 1.5 m deep in line with Policy D6 and Brent SPD1, and have good outlook. Limited detail is provided in relation to the communal spaces. However, they are sufficiently proportioned and appropriately located and the detailed layouts can be secured through condition.
46. It should also be noted that the entrance to Gladstone Park is approximately 660 m from the site, offering a large area of public open space within a walkable distance of the development. Therefore whilst noting that there would be shortfall, the residents would have access to private and communal space on site as well as convenient access to a local public space. Having regard to the quality and quantity of on site provision together with the access to local public space, it is considered that the provision would ensure a good standard of external amenity for future residents. Whilst the shortfall when compared with the extant scheme would increase this would not be significantly so and the proposed variation would therefore continue to deliver a comparable quantum and quality of external amenity space per unit and would not materially worsen the quality of accommodation that the extant scheme secured.

Playspace

47. The proposed development has a play requirement of 122sqm for children under 5, 86sqm for children aged 5-11 and 46sqm for children over 12. The total requirement is therefore 253sqm. This requirement can be met on site within the ground floor communal area and as such further details of play provision are to be again secured by way of planning condition.

Transport

48. Up to 60 car parking spaces would be allowed for the increased total of 76 flats (having regard to London

Plan maximum parking standards) so the provision of 18 spaces (incl. seven disabled) would again accord with maximum standards. A 'car-free' agreement would again be secured via legal agreement to ensure the scheme does not lead to increased pressure for on-street parking in the area.

49. Eight electric vehicle charging points have been added to the basement layout, which are welcomed and the remaining spaces should have passive provision which will be conditioned
50. The ramp to the basement remains single-width with traffic-signal control, which is acceptable. Its gradient has also been eased to 8.3%, making it suitable for use by cyclists.
51. With regard to bicycle parking, the number of spaces has been reduced to 121 on a mixture of two-tier stands and 'Sheffield' stands, including provision for non-standard bikes. Each space can be more easily accessed with the increased aisle widths requested during the application process now shown on the drawings. Although a reduced provision over the approved scheme, the provision still satisfies London Plan standards.
52. Concerns were initially raised about the cramped bin store layout. Whilst the size of the store has been retained, the number of Eurobins has been reduced to 14 to provide more flexibility. As such, although the layout shown is still cramped, it could be laid out more efficiently by lining the Eurobins along the side walls of the store and the wheeled bins in the centre. The space shown for bin storage is therefore now considered satisfactory.
53. Finally, a revised Framework Travel Plan has been submitted. This has amended the modal share target for car driver trips to 13.5% after five years – a 5% reduction on the initial forecast modal share given in Table 4.1. To be consistent with later comments that refer to a 6% reduction, the final target should be amended to 12.5%.
54. The proposed measures now confirm that subsidised membership of a local Car Club is to be offered to all residents that do not have an allocated car parking space in the basement. However, it is not specified what discount is to be provided or for how long and for the avoidance of doubt, this should comprise free membership for a minimum of two years which is to be secured by legal agreement
55. Potential remedial measures if targets are not met have now been added to the Travel Plan, along with more information on car parking management by the developer, although this does not specify how spaces will be allocated/prioritised and whether they will be sold or leased – the latter being preferred.
56. As such, whilst the revised Framework Travel Plan is an improvement on the previous submission, an amended version is still sought and is to be secured through a legal agreement, with final approval needing to be given prior to occupation of the development.
57. As before, the minor highway works to amend the site accesses and provide on-street bicycle stands are to be secured through a Legal Agreement.

Energy and Sustainability

58. London Plan policy SI2 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 (carbon neutral), are to be off-set through a cash in lieu contribution to the relevant borough to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).
59. An Energy Report Addendum has been submitted in support of the application. It illustrates that the revised scheme has no impact on the already approved energy strategy, with the resulting carbon savings exceeding the prescribed target at 54.71% (with the remaining emissions offset with a proposed Carbon Offset Payment of £73,080). This aspect of the proposal therefore also remains acceptable.

Flood Risk and Drainage

50. A detailed Drainage Strategy has already been considered and approved under condition 12 of the original permission. Compliance with the already detailed SUDs measures will be conditioned to ensure that

the development does not give rise to flood risk.

Equality

51. 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 also 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

52. The proposed development would have an acceptable impact on the character and appearance of the locality, ensure a good standard of amenity for both future and neighbouring occupants and would be acceptable in a transport capacity. In addition the development would continue to deliver the maximum reasonable amount of affordable housing on site.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 20/2257

To: Miss Moore
Avison Young
Avison Young
65 Gresham Street
London
EC2V 7NQ

I refer to your application dated **28/07/2020** proposing the following:

Variation of condition 2 (approved plans) to allow for

- Internal alterations to facilitate the creation of 6 additional residential units
- External alterations to include additional windows, winter gardens and roof terrace
- Reduction in size of basement and repositioned ramp

and Variation of Condition 17 (Mix) of full planning application 17/5291, allowed on appeal dated 17 December 2019 (amended under non material amendment application 20/1873) for Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide residential units with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

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

at **Willesden Green Garage, St Pauls Avenue, London, NW2 5TG**

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: 19/03/2021

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:-

National Planning Policy Framework (2019)
London Plan (2021)
Draft Local Plan (2020)
Core Strategy (2010)
London Plan (2021)
Brent Development Management Policies (2016)
SPD 1 - Brent Design Guide (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 permission 17/5281 (dated 17 December 2019)

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):

ST-02-115 Location Plan
2999-ACA-XX-B1-DR-A_8070 Rev 14 B01 Floor Plan;
2999-ACA-XX-00-DR-A_8071 Rev 17 L00 Floor Plan;
2999-ACA-XX-01-DR-A_8072 Rev 14 L01 Floor Plan;
2999-ACA-XX-02-DR-A_8073 Rev 14 L02 Floor Plan;
2999-ACA-XX-03-DR-A_8074 Rev 14 L03 Floor Plan;
2999-ACA-XX-04-DR-A_8075 Rev 14 L04 Floor Plan;
2999-ACA-XX-05-DR-A_8076 Rev 14 L05 Floor Plan;
2999-ACA-XX-06-DR-A_8077 Rev 14 L06 Floor Plan;
2999-ACA-XX-07-DR-A_8078 Rev 15 R07 Floor Plan;
2999-ACA-XX-XX-DR-A_8080 Rev 13 Elevation Sheet 1;
2999-ACA-XX-XX-DR-A_8081 Rev 13 Elevation Sheet 2;
2999-ACA-XX-XX-DR-A_8082 Rev 14 Elevation Sheet 3;
2999-ACA-XX-XX-DR-A_8083 Rev 13 Elevation Sheet 4;
2999-ACA-XX-XX-DR-A_8084 Rev 13 Elevation Sheet 5;
2999-ACA-XX-XX-DR_8085 Rev 5 Section Sheet 1;
2999-ACA-XX-XX-DR_8086 Rev 5 Section Sheet 2;
2999-ACA-XX-XX-DR_8087 Rev 5 Section Sheet 3;
2999-ACA-XX-XX-DR_8088 Rev 5 Section Sheet 4;
2999-ACA-XX-XX-DR_8089 Rev 5 Section Sheet 5

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

- 3 Not less than 10% of residential units shall be constructed to wheelchair accessible

requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority

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

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

- the approved number of car parking spaces as shown on the approved plans which shall include the provision of at least 20% active and 20% passive electric vehicle charging points and at least 8 spaces designed and laid out for disabled parking
- cycle parking numbers as approved

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

Reason: To ensure that the development complies with parking and refuse requirements.

- 5 Vegetation clearance of shrubs/trees shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.

Reason: In the interest of safeguarding wildlife habitats

- 6 Unless carried out in accordance with the details already discharged under application ref. 20/1759 prior to the commencement of development further details on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.

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

- 7 The development to which this permission relates shall provide 76 self-contained residential units, comprising 38 x 1-bed, 24 x 2-bed and 14 x 3-bed, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Time	Area	Maximum noise level
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Daytime Noise

07:00 – 23:00	Living rooms	35 dB LAeq (16hr)
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and bedrooms

Night time noise

23:00 – 07:00 Bedrooms 30 dB LAeq (8hr)

Tests shall be carried out prior to first occupation within one room of each built facade type for a living and bedroom area over a four-day period, to show that the required internal noise levels have been met

and the results submitted to the Local Planning Authority for approval in writing.

Reason: In the interest of residential amenity.

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

Reason: In the interests of local amenity

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

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

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

(a) Details of proposed walls, fencing and other means of enclosure indicating materials and heights, including secure fencing around the boundary of the site and the neighbouring designated SINC areas;

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

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

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

(e) Details of any balustrade/balcony treatment

(f) Details of areas of hard landscape works and proposed materials, including details of a robust and durable choice of material for the refuse turning area;

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

(h) Details for the layout of external amenity spaces including the communal roof terraces and

the ground level area, including provision for outside seating / benches and children's play equipment

(i) Details for the provision of on-site bird and bat boxes Appeal Decision

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 standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality

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

Reason: In order to ensure a sustainable development by minimising water consumption.

- 13 Unless carried out with the details already discharged under application ref. 20/1760 no works shall take place until full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface within the site, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason: To ensure appropriate surface water drainage and minimise flood risk.

- 14 Prior to the commencement of above ground works further details of the proposed access and gate to the basement car park shall be submitted to and approved in writing by the Local Planning Authority.
The approved details shall be implemented in full and maintained as such for the lifetime.

Reason: In the interest of highway safety and local amenity

- 15 Unless carried out in accordance with the details already discharged under application ref. 20/1765

(a) Prior to the commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all

works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

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

- 16 Prior to the commencement of development further details of a detailed design and construction method (in consultation with London Underground) shall be submitted to and approved in writing by the local planning authority which:

- provides details on the use of tall plant
- accommodate the location of the existing London Underground structures

The approved details shall be implemented in full and maintained as such for the lifetime of the development.

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

- 17 Prior to the commencement of development further details of piling and excavation works (in consultation with Network Rail) shall be submitted to and approved in writing by the local planning authority which provide details of:

- Vibro-compaction machinery/piling machinery
- Ground treatment works
- A method statement to include the proposed methods of piling, excavation and construction

All works shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason: To ensure that there is no impact upon critical railway infrastructure

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant 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 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.
- 4 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

- 5 The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

- 6 The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before:
- (i) erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway;
 - (ii) depositing a skip; or
 - (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.
- 7 The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include:
- (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways;
 - (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips);
 - (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order;

- (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway;
- (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site;
- (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations

- 8 The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage:
 - (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and
 - (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.
- 9 The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should:
 - (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations;
 - (ii) not burn any materials on the site;
 - (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel;
 - (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.
- 10 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.
- 11 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 12 The applicant is advised to adhere to the principles set out in the Construction Management Plan at all times during construction.
- 13 The applicant is reminded that they are required to submit the development form to AssetProtectionLNWSouth@networkrail.co.uk and the Party Wall notification (including a plan of the site) to PropertyServicesLNW@networkrail.co.uk
- 14 The applicant is advised of the following in relation to Thames water:
 1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
 2. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for

maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

3. The applicant is advised to contact Thames Water Developer Services on 0800 0093921 to discuss the details of piling.

Any person wishing to inspect the above papers should contact Paige Ireland, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3395