



# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 January, 2025  
04  
24/1140

## SITE INFORMATION

RECEIVED	25 April, 2024
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	66 Cavendish Road, London, NW6 7XP
PROPOSAL	Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.
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_169802">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_169802</a></p> <p><b><u>When viewing this as an Hard Copy</u></b></p> <p>Please use the following steps</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 "24/1140" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Notification of material start 28 days prior to commencement
- Financial contribution of £150,000 towards affordable housing provision in Brent.
- Financial contribution of £4,800 for the planting of four street trees within the vicinity of the site.
- Early and late-stage viability mechanisms to capture any uplift in affordable housing
- Sustainability and energy
  - a. Detailed design stage energy assessment. Initial carbon offset payment if zero-carbon target not achieved on site.
  - b. Post-construction energy assessment. Final carbon offset payment if zero-carbon target not achieved on site.
  - c. 'Be seen' energy monitoring requirements
- Achieving Biodiversity Net Gain

Delivery of onsite "Significant "Habitat" to include:

- A Habitat Management and Maintenance Plan
- Wildlife and nesting features
- Monitoring report in years 1,2,3,5,7,10,20,30
- off site compensations

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

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

### Conditions:

#### *Compliance*

- Three year rule
- Approved documents
- Non-Road Mobile Machinery
- Provision of bin and cycle storage
- Car free development
- Compliance with overheating assessment
- Highways works
- Compliance with Ecological Appraisal
- Compliance with tree report
- Internal vibration levels
- Use Class C3
- Water consumption
- M4(3) and M4(2)

#### *Pre-commencement*

- Construction environmental method statement
- Network Rail method statement and risk assessment

- Network Rail Scaffold works

*During construction*

- Network Rail – Demolition methodology statement
- Network Rail – ground level and earthwork
- Site investigation for contaminated land
- Network Rail – Surface water and foul drainage
- Network Rail vibro works
- Materials samples
- Hard and soft landscaping

*Pre-occupation*

- External lighting
- Internal noise levels
- Wildlife and Nesting
- SuDS Strategy Maintenance and Management
- Plant Noise

Informatives:

- As per draft decision notice

C. 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.

D). That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) 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



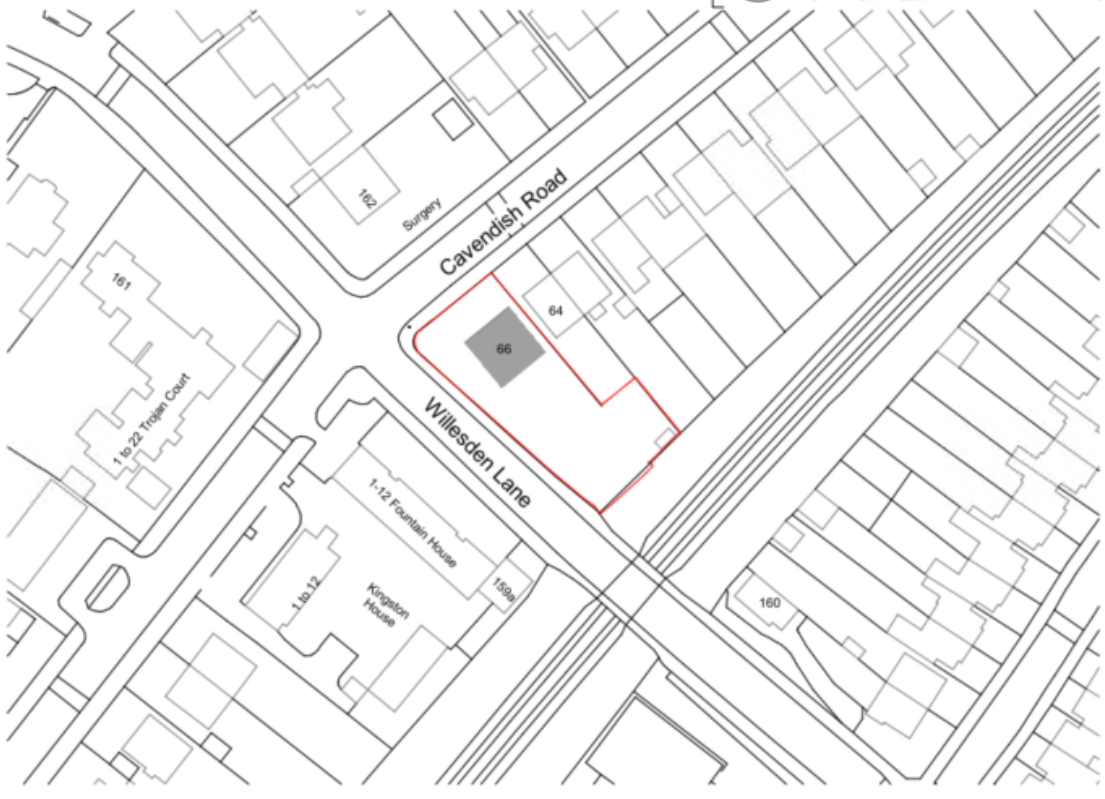
**Brent**

### ning Committee Map

dress: 66 Cavendish Road, London, NW6 7XP

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This map is indicative only.



## 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.

**Representations received:** Objections were received from four residents. The objections relate to range of issues such as demolition of the Edwardian building, disruptions experienced during the demolition at 162 Willesden Lane, including injuries to workers, contractors working outside permitted hours, and impacts on neighbouring gardens and the local community, raising fears of similar issues at 66 Cavendish Road. Further objections relate to height and scale and compromising the privacy of nearby properties.

**Principle of development:** The proposal involves the redevelopment of a residential site to deliver new housing, increasing the total number of homes to 23 (a net increase of 10 homes). The existing housing consists of 13 substandard studio flats, and there is no objection in principle to their loss. The site is located within an intensification corridor and priority area for new housing provision. The proposal would make use of a previously developed site in a residential area, contributing to Brent's housing targets, and is acceptable in principle. Furthermore, there is an extent consent at the application site (LPA Ref: 21/3754) for the demolition of the existing residential building and the construction of a new part five, part six storey residential building to provide 21 flats, together with associated landscaping, cycle parking and refuse and recycling facilities. The extant consent is a material consideration.

**Affordable housing and housing mix:** The scheme proposes 23 homes, of which six (26.1%) would be family-sized units meeting the policy requirement of one in four homes being family-sized. The applicant's viability report has been robustly reviewed on behalf of the Council by BNP Paribas, and has been shown to demonstrate that the development is not viable and not able to support any affordable housing. Notwithstanding that the development is returning a deficit, the applicants have offered a financial contribution towards provision of affordable housing elsewhere in Brent with the amount of £150k. This would be secured through a Section 106 agreement, subject to the review mechanisms being agreed.

**Design, scale, and appearance:** The site is within an Intensification Corridor, designated within the Local Plan, where Policy BD2 suggests height up to 15 m may be acceptable. The surrounding area is characterised by large detached three-storey Victorian and Edwardian properties, with some three- to five-storey buildings, including a five-storey building opposite the site at 166 Willesden Lane, currently under construction. The proposed building would range from three to six storeys, appearing as five as one is situated at basement level. Elements of the building, including the lift overrun and roof terrace enclosure, would extend slightly above 15 m but are considered acceptable within the existing and emerging street scene context. The design provides sufficient articulation to break up the building's bulk, ensuring visual interest.

**Quality of residential accommodation:** The proposal includes 23 new homes, all meeting or exceeding minimum internal floorspace standards, with good levels of light and outlook. Private and communal external amenity spaces are included and meet Brent's policy targets. The site is also within walking distance of local green spaces including Queens Park and Tiverton Green.

**Impact on neighbouring properties:** The proposed building would have a noticeable, although minor, impact on daylight availability for two lower ground floor windows at No. 64 Cavendish Road. However, the affected windows are already compromised due to their orientation and proximity to existing structures. All other windows and amenity spaces tested meet BRE targets for daylight and sunlight.

**Energy and sustainability:** The proposal would utilise air source heat pumps and solar PV panels to achieve a 48% reduction in carbon emissions, which exceeds the 35% policy requirement. Overheating risk has been assessed, and measures are recommended to avoid this, with predicted water usage below 105 litres per person per day. Updated energy statements and a financial contribution to Brent's carbon offsetting fund would be secured through the Section 106 agreement.

**Environmental health considerations:** The potential for air quality and noise pollution and vibrations has been assessed, and further measures would be secured by conditions, together with a construction management plan to minimise nuisance during construction.

**Flood risk and drainage:** The Site is located in Flood Zone 1 and therefore has a low probability of flooding. The applicant's flood risk assessment and drainage strategy demonstrate a significant 86% reduction in surface water discharge rates, achieving betterment in line with sustainable drainage goals. The flow rate for

the 100 year event is designed to be reduced to 2.00 l/s (greenfield run-off) for the proposed impermeable area which is the lowest practical flow rate that the proposed flow control can achieve. Although this rate is slightly above the Greenfield runoff rate (1.38 l/s), it reflects a substantial improvement over the existing discharge rate (14.7 l/s) and complies with sustainable urban drainage principles. The strategy proposes measures including green roofs and an attenuation tank to manage stormwater. However, further detailed information is required, including ensuring that floor levels are appropriately set, additional justification for specific Sustainable Drainage Systems (SuDS) features, and a clear maintenance plan. Conditions would include the requirement for rainwater management strategies to mitigate potential flood risks during extreme weather events.

**Trees and biodiversity:** The development's arboricultural assessment identified several trees on and near the site, including trees of moderate quality (Category B) and lower-quality (Category C) trees. The proposal involves the removal of 18 trees, including four Category B trees. To offset this loss, the developer has proposed the planting of five new trees. There were some concerns about the impact of the development on the root protection area and crowing of TPO tree T3 which might have a knock on effect on the local biodiversity, especially with the proximity to a protected wildlife corridor along the railway embankment. As such protective measures and conditions, such as root protection zones and supervised construction activities, aim to safeguard the retained trees. The proposal achieves an urban greening factor of 0.55, which exceeds the target of 0.4 for residential developments.

**Biodiversity Net Gain (BNG):** The rear of the site borders a railway embankment which is part of a Site of Interest for Nature Conservation (SINC) (Grade 1) and protected wildlife corridor. The redevelopment of the site poses challenges to achieving a net gain in biodiversity, resulting in a biodiversity deficit of 1.89 Biodiversity Units (BU). To address this shortfall, off-site compensation measures would be required, including options such as purchasing biodiversity credits from habitat banks or arranging off-site habitat enhancements. A Section 106 legal agreement would secure these measures, ensuring that all retained and created habitats on-site are managed for a minimum of 30 years. The agreement would include monitoring and maintenance provisions to ensure the long-term ecological success of the biodiversity enhancements.

**Transport considerations:** The development would be car-free, with no parking provided on site and parking permit restrictions to prevent residents other than Blue Badge holders from parking on the street. Given the site's good access to public transport, this is considered acceptable. Cycle parking and bin storage would be provided to comply with standards, and the existing vehicle crossover would be removed at the developer's expense. The development is expected to generate minimal extra traffic and no additional car journeys compared to the existing use.

## EXISTING

The subject site is a three-storey detached building occupying the corner plot at the south-eastern junction of Willesden Lane and Cavendish Road. The building is in residential use as 13 self-contained studio flats. The site is within an Intensification Corridor designated within the Brent Local Plan.

The site is not located in a conservation area and the building is not listed. Although the site is within an area proposed as part of a conservation area in Brent's Local Plan, this designation would be subject to a further legal process and so is not currently in effect.

## PROPOSAL IN DETAIL

The proposal would involve the demolition of the existing residential building and the construction of a new part five, part six storey residential building containing 23 flats (with one of the floors at basement level), together with associated landscaping, cycle parking and refuse and recycling facilities.

The accommodation would comprise:

- 1 x studio flat;
- 5 x 1-bedroom flats;
- 11 x 2-bedroom flats; and
- 6 x 3-bedroom flats

All homes would have private amenity spaces from 7 sqm in size. Communal external amenity space would be provided within a 201 sqm garden at ground level and 59 sqm roof terrace at fourth floor level.

Cycle storage for 44 bicycles would be provided within an internal bike store and a bike enclosure within the ground floor communal amenity space, with both accessed from Willesden Lane. Refuse storage would also be provided within an internal store accessed from, Willesden Lane.

### Amendments received during the course of the application

The following amendments, which have been made in response to Transport feedback:

Additional cycle parking storage within the communal garden area and rearrangement of internal layout for the ground floor cycle storage.

## RELEVANT SITE HISTORY

**21/3754** - Full planning permission granted on 03/11/2022

Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.

## CONSULTATIONS

151 neighbouring properties were notified by letter of this proposal on 1st of May 2024 for a minimum of 21 days. A site notice was displayed outside the site on 23/05/2024. Due to a minor correction to the red edge site boundary the application has been re-consulted on 13/11/2024. A further site notice was erected on 13<sup>th</sup> of December 2024 and press notice published on 12/12/2024. As a result of the consultations five comments were received summarised below:

Objection	Officer response
Objection to the destruction of a historic Edwardian building, which would degrade the beauty and character of the area and its necessity.	This issue is discussed under 'Design, scale and appearance'
Concern over the demolition at 162 Willesden Lane, which was opposed by neighbours but still approved by the council. The demolition at 162 caused significant disruptions, including injuries to workers and contractors working outside. Fear that similar disruption will occur with the proposed demolition at 66 Cavendish.	A Construction Method Statement would be required to minimise these impacts
The building is now part of a conservation zone, making demolition inappropriate.	This is discussed under 'Heritage' section of the report. The building is not included within the Conservation Zone and the previous consent is still valid.
Refuse the demolition, describing the project as a "money-making" scheme with little regard for the community.	Developer profit is not a material planning consideration.
Inadequate time given to the community to respond to the planning notice, with concerns about poor communication from the council. Claims that residents have not been adequately considered in the planning process.	Consultation letters were issued by the council, along with two site notices prominently displayed at the location for a minimum of 21 days, in accordance with statutory guidelines. This process ensured compliance with the required public notification period, allowing adequate time for community feedback.
Frustration over repeated applications for demolition, despite previous objections from the local community.	The submission of repeated applications for demolition is within the legal rights of the applicant. Each application must be assessed on its individual merits, in line with current planning policies and regulations. Previous objections from the local community have been considered in the decision-making process for



	each submission, and any subsequent applications will similarly undergo thorough review, ensuring compliance with relevant planning frameworks and policies
Objections to the height and scale of the new building, which would overlook nearby properties and compromise privacy.	This issue is discussed under 'Relationship with neighbouring properties'
Concerns about flaws in the proposed development plans, including accusations of "greenwashing."	This issue is discussed under 'Sustainability and Biodiversity sections'.

### External and statutory consultees

Flood and Drainage officer: no objection subject to conditions discussed within the main body of report.

Environmental health and noise control team: no objection subject to conditions. Comments discussed in main body of report.

Network Rail: No objection subject to the informative and condition attached.

## 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 2021 London Plan and the Brent Local Plan 2019-2041.

### London Plan 2021

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible housing
- D10 Basement development
- D12b Fire safety
- D14 Noise
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- S4 Play and informal recreation
- HC1 Heritage conservation and growth
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S14 Managing heat risk
- S15 Water Infrastructure
- SI13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car Parking
- T6.1 Residential parking

### Brent Local Plan 2019-2041

DMP1: Development management general policy  
BD1: Leading the way in good urban design  
BD2: Tall buildings  
BD3: Basement development  
BH1: Increasing housing supply in Brent  
BH2: Priority areas for additional housing in Brent  
BH4: Small sites and small housing developments in Brent  
BH5: Affordable housing  
BH6: Housing size mix  
BH13: Residential amenity space  
BHC1: Brent's heritage assets  
BGI1: Blue and green infrastructure in Brent  
BGI2: Trees and woodlands  
BSUI2: Air quality  
BSUI4: On site water management and surface water attenuation  
BT2: Parking and car free development

**The following are also material planning considerations:**

National Planning Policy Framework 2024  
Brent Waste Planning Guide 2013  
Brent's Design Guide – Supplementary Planning Document 1 2018  
Residential Amenity Space & Place Quality – SPD – 2023  
Sustainable Environment & Development – SPD – 2023  
Council's S106: Supplementary Planning Document 2022

## DETAILED CONSIDERATIONS

### History

1. Consent was previously granted for the demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities was approved under reference 21/3754. The proposal resulted in the loss of 13 studio flats and the provision of 21 flats, comprising 4 x 1-bedroom flats, 12 x 2-bedroom flats and 5 x 3-bedroom flats. No Affordable housing was viable, however, the proposal was subject to a £150,000 contribution towards off-site Affordable housing. This application is still extant and carries weight in assessment of this application.
2. Consent is now sought for a revised development with the main amendments to the scheme as part of this application are as follows:
  - Rationalised design approach.
  - Increased number of residential units from 21 to 23.
  - Increase quantum of communal amenity space through the enlargement of the redline boundary.
  - Increase in the size of the communal roof terrace.
  - Small adjustment to the footprint of the building. Set backs on lower ground floor from Willesden Lane and rear for alignment with upper storeys. At ground level a minor extension at Block B given the shift in boundary and level change to new communal amenity area.
  - Relocation of bike storage to ground floor level.
  - Total Floorspace approx. 1,915 sqm to 2,040 sqm by extending the third floor to Block B.

### Principle of Development

3. The policy context remains consistent with the consented scheme, planning reference 21/3754. London Plan Policy H1 sets a target of 23,250 new homes across a ten-year plan period from 2019 for Brent. Local Plan policy confirms that the council will maximise the opportunities to provide additional homes in the period to 2041, granting planning permission, including on appropriate windfall sites, for a minimum 23,250

homes in the period 2019/20-2028/29 and a minimum of 46,018 homes in the period 2019/20-2040/41. Brent's Local Plan Policy BH2 states that in addition to the Growth Areas and Site Allocations identified in the Plan, town centres, edge of town centre sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where the provision of additional homes will be supported.

4. Policy H2 of London Plan identifies that for London to deliver more of its housing, a substantial contribution from smaller sites below 0.25 hectares in size will be required. It sets a Brent minimum target of 4,330 for the period 2019/20 – 2028/29. Policy BH4 relates to small sites and small housing developments in Brent ((below 0.25 hectares or 25 dwellings in size) and in line with policy H2 of London Plan, sets out that small housing developments delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites, where consistent with other policies in the development plan, will be supported within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary through:
  - a) the infill of vacant or underused brownfield sites,
  - b) residential conversions, redevelopment, extensions of dwellings, or infill within the curtilage of a dwelling
  - c) the redevelopment of flats, non-residential buildings and residential garages,
  - d) upward extensions of flats and non-residential buildings
5. In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate.
6. The application site is located on the corner of Cavendish Road and Willesden Lane. It would be defined as a "Small Site" both within the London Plan and Brent's Local Plan as it is 0.107 hectares in size (below 0.25 hectares) and under 25 homes. The site is located within PTAL 4 and Willesden Lane is identified as an intensification corridor within the Local Plan.
7. The site is therefore within a priority location for new homes, and redevelopment of the site for residential intensification is acceptable in principle, in line with policy H2 of London Plan, and policies BH2 and BH4 of Brent's Local Plan.

### **Affordable Housing**

8. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. A fast track route is provided whereby applications proposing at least 35% affordable housing (50% on public sector or industrial land) with a policy-compliant tenure split. Applications not meeting the criteria for the fast track route are subject to viability testing, to determine the maximum reasonable amount of affordable housing that the scheme can support.
9. Policy H6 requires affordable housing provision to include 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; and 40% to be determined by the borough based on identified need.
10. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with 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.
11. This proposal would involve the demolition of the existing building and result in the loss of 13 studio flats. In their place, 23 new residential flats would be provided, comprising 1 studio flat, 5 one-bedroom flats, 11 two-bedroom flats, and 6 three-bedroom flats. No provision for on-site affordable housing is proposed.
12. The application is supported by a Viability Report, which indicates that the scheme cannot financially support affordable housing due to several constraints, particularly the relatively high Benchmark Land Value (BLV) of £3.42 million, reflecting the market value of the current flats. BNP Paribas Real Estate conducted an independent viability review on behalf of the London Borough of Brent. They assessed the

viability of the redevelopment and concurred that the proposed development would result in a deficit of £967,613 against the viability benchmark.

13. Following a detailed review, BNP Paribas maintained their conclusion that the proposed development is unable to support affordable housing provision, reaffirming the BLV at £3.42 million. This deficit is attributed to factors including construction costs, sales assumptions, and land value. Notwithstanding that the development is returning a deficit. Nevertheless, the applicants have offered a financial contribution of £150,000 towards provision of affordable housing elsewhere in Brent, in recognition of this high priority need within the borough.
14. In line with London Plan policy and guidance, both early and late-stage viability review mechanisms would be secured within the Section 106 Agreement to ensure that, should there be an improvement in scheme viability, further contributions could be secured towards affordable housing.
15. The proposal accords with adopted London Plan and Local Plan policy and is considered to be acceptable with respect to affordable housing, subject to the Section 106 obligations discussed above.

### Housing Mix

16. Brent's Local Plan Policy BH6 establishes a strategic target for 25% of new homes in the borough to be family-sized (three or more bedrooms). For specific applications, it is set out that one in every four homes in new developments are family-sized (with 3 or more bedrooms).
17. The previous consent included 5 x 3 bedrooms homes, meeting the requirement for one in four homes to be family-sized, thereby compliant with the policy.
18. The proposed housing mix includes 6 x 3-bedroom units, which would continue to meet the requirements for one in four homes to be family-sized, hereby complying with policy. As such there would be an increase in the provision of family sized homes from the previous consent from 5 to 6.

Size:	No:
Studio	1
1 bedroom	5
2 bedroom	11
3 bedroom	6

### Quality of Residential Accommodation.

19. According to London Plan Policy D6, all units must meet minimum space standards. This includes providing sufficient light, privacy, and outlook for residents. The proposal indicates that all units would meet or exceed the required space standards. A breakdown of the flats is set out below:

Flat No	Location	Type	London Plan requirement	Floorspace proposed	Multi aspect
1	Lower ground Floor	3 bedroom 5 person	86sqm	86sqm	Yes
2	Lower ground floor	2 bedroom 3 person	61sqm	70sqm	Yes
3	Lower ground and Ground Floor	3 bedroom 5 person	93sqm over 2 storeys	93sqm	No
4	Lower ground and Ground Floor	1 bedroom 2 person	58sqm over 2 storeys	61sqm	No
5	Ground floor	2 bedroom 3person	61sqm	67sqm	Yes

6	Ground floor	2 bedroom 3 person	61sqm	66sqm	Yes
7	First Floor	1 bedroom 2 person	50sqm	54sqm	Yes
8	First Floor	1 bedroom 2 person	50sqm	50sqm	No
9	First Floor	1 bedroom 2 person (WC Accessible)	50qm	69sqm	Yes
10	First Floor	2 bedroom 3 person	61sqm	62sqm	Yes
11	Second Floor	3 bedroom 4 person	74sqm	75sqm	Yes
12	Second floor	3 bedroom 5 person (WC Accessible)	86sqm	92sqm	Yes
13	Second floor	1 bedroom 2 person	50sqm	53sqm	Yes
14	Third Floor	2 bedroom 4 person	70sqm	73sqm	Yes
15	Third Floor	2 bedroom 3 person	61sqm	70sqm	Yes
16	Third Floor	2 bedroom 3 person (WC Accessible)	61sqm	74sqm	Yes
17	Fourth Floor	2 bedroom 3 person	61sqm	75sqm	Yes
18	Lower Ground and Ground Floor	3 bedroom 5 person	93sqm over 2 storeys	94sqm	Yes
19	Lower Ground and Ground Floor	3 bedroom 5 person	93sqm over 2 storeys	95sqm	Yes
20	First Floor	2 bedroom 3 person	61sqm	61sqm	Yes
21	First Floor	2 bedroom 3 person	61sqm	61sqm	Yes
22	Second Floor	Studio	39sqm	41sqm	Yes
23	Second and Third Floor	2 bedroom 4 person	79sqm over 2 storeys	84sqm	Yes

20. This application provides more multi aspect units compared to the previous approved scheme and would have three single aspect units which do not face in a due north direction (Flats 3, 4 and 8). which is the same number as the consented scheme.
21. In accordance with London Plan Policy D6, a minimum floor-to-ceiling height of 2.5 metres is required for at least 75 percent of the Gross Internal Area (GIA) of each dwelling. Based on the submitted sectional drawings, the ceiling heights of the proposed units meet or exceed this requirement, with Flats 15, 16, and 23—located within the mansard roof—achieving more than 75 percent of their internal areas with a height above 2.5 metres.
22. Flat 1 and Flat 2 on the lower ground floor would experience some limitations in outlook from the one and two-bedroom windows, due to site constraints and their location. Despite this, these constraints are

deemed acceptable given the overall context of the development and the provision of natural light remains sufficient.

23. The Daylight and Sunlight Assessment confirms that all habitable rooms on the lower ground floor meet the Target Daylight Factor (TDF) thresholds as set out in the BRE guidelines. This ensures that the interior environments of these units receive appropriate levels of natural light, contributing positively to the quality of life for future occupants and aligning with both the London Plan Policy D6 and the Building Research Establishment's (BRE) recommended standards for daylight in residential developments. Should be noted that there is no significant difference in terms of daylight for lower ground floor units between the current and the extant consented scheme.

### **Accessible Housing**

24. London Plan Policy D7 mandates that 10% of new dwellings meet the Building Regulations M4(3) requirement for wheelchair user dwellings, with the remainder complying with M4(2) for accessible and adaptable homes. These provisions ensure that housing caters to a diverse population, offering suitable living conditions for all residents.
25. In the current proposal, flats 9, 12, and 16 are designed to meet the M4(3) standard, ensuring accessibility throughout the development. Furthermore, both blocks would include lift access to all units, enhancing the overall accessibility of the site.

### **External Amenity Space**

26. London Plan Policy D6 states where there are no higher local standards, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings with an extra 1sqm for each additional occupant. The space must achieve a minimum depth and width of 1.5m.
27. Policy BH13 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 is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
28. Private amenity space should be accessible to all dwellings from a main living room, ideally without level changes. It should also be planned to take maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot achieve the full requirement of the policy, the remainder should be provided in the form of communal amenity space. Moreover, the Council adopted the Brent Residential Amenity Space and Place Quality Supplementary Planning Document on 12th of June 2023. The SPD provides guidance on planning matters related to the provision of residential amenity space and public realm within developments.
29. London Plan Policy S4 requires developments to provide good-quality, accessible play spaces for children. The application proposes a small playground for children aged 0-4 years at the lower ground floor level. Further details regarding the play area's size, quality, and accessibility should be included to ensure it meets policy standards.
30. In the current proposal, a total of 420 sqm of private amenity space is provided, which includes both balconies and private terraces for several units. The overall shortfall in private external amenity space for 23 flats is 237 sqm based on the 20 sqm and 50 sqm requirement as set out within policy BH13. The scheme would secure communal amenity space in the form of a communal garden at ground floor level measuring 201 sqm and a communal roof terrace at fourth floor level measuring 59 sqm (resulting in a total communal external amenity space of 260 sqm). The overall provision of private and communal amenity space would exceed the minimum requirement of 580 sqm of amenity space as set out within policy BH13.
31. The landscape plans propose a layout for the 4th-floor communal roof garden, featuring two trees and benches to create an inviting and relaxing environment for residents. However, detailed designs for the private roof terrace of Flat No. 17 have not yet been provided. To ensure the functionality and quality of these spaces for residents' use, a planning condition is attached to this application. This requires the submission of detailed landscaping plans for the terraces, demonstrating that they meet high standards of design and are in compliance with Brent's Residential Amenity Space and Place SPD to support the well-being and enjoyment of future occupants.

32. A dedicated 81 sqm children's play area for ages 0-4 has been provided at the rear of the site, offering a safe and enjoyable space for younger residents. According to the GLA Population Yield Calculator, the total child population for this development is estimated to be 6 children, with a requirement of 10 square meters of play space per child, therefore a total of 60 sqm. The development exceeds this requirement. This play area features elements such as timber stepping stumps, climbing rocks, and a wobble dish, creating an engaging environment for children to play. The play area is strategically located to provide easy access from the residential units while maintaining privacy and safety.
33. Additionally, the site is located within close proximity to Queens Park and Tiverton Green which are within walking distance (approx. 650 m and 800 m respectively) and offer recreational facilities, including playgrounds, sports areas, and open green spaces, which are easily accessible to residents.

*Private and communal Amenity calculation table:*

Flat Number	Bedrooms	Balcony	Private Amenity	Total each Flat (B + PA)	Brent requirement	Shortfall (sqm)
Flat 1	3	0	35 m <sup>2</sup>	35 m <sup>2</sup>	50 m <sup>2</sup>	15 m <sup>2</sup>
Flat 2	2	0	22 m <sup>2</sup>	22 m <sup>2</sup>	20 m <sup>2</sup>	0 m <sup>2</sup>
Flat 3 (Duplex)	3	0	31 m <sup>2</sup>	31 m <sup>2</sup>	50 m <sup>2</sup>	19 m <sup>2</sup>
Flat 4 (Duplex)	1	9 m <sup>2</sup>	14 m <sup>2</sup>	23 m <sup>2</sup>	20 m <sup>2</sup>	0 m <sup>2</sup>
Flat 5	2	0	12 m <sup>2</sup>	12 m <sup>2</sup>	20 m <sup>2</sup>	8 m <sup>2</sup>
Flat 6	2	0	10 m <sup>2</sup>	10 m <sup>2</sup>	20 m <sup>2</sup>	10 m <sup>2</sup>
Flat 7	1	9 m <sup>2</sup>	0	9 m <sup>2</sup>	20 m <sup>2</sup>	11 m <sup>2</sup>
Flat 8	1	9 m <sup>2</sup>	0	9 m <sup>2</sup>	20 m <sup>2</sup>	11 m <sup>2</sup>
Flat 9	1	9 m <sup>2</sup>	0	9 m <sup>2</sup>	20 m <sup>2</sup>	11 m <sup>2</sup>
Flat 10	2	7 m <sup>2</sup>	0	7 m <sup>2</sup>	20 m <sup>2</sup>	13 m <sup>2</sup>
Flat 11	3	9 m <sup>2</sup>	0	9 m <sup>2</sup>	20 m <sup>2</sup>	11 m <sup>2</sup>
Flat 12	3	18 m <sup>2</sup>	0	18 m <sup>2</sup>	20 m <sup>2</sup>	2 m <sup>2</sup>
Flat 13	1	7 m <sup>2</sup>	0	7 m <sup>2</sup>	20 m <sup>2</sup>	13 m <sup>2</sup>
Flat 14	2	13 m <sup>2</sup>	0	13 m <sup>2</sup>	20 m <sup>2</sup>	7 m <sup>2</sup>
Flat 15	2	13 m <sup>2</sup>	0	13 m <sup>2</sup>	20 m <sup>2</sup>	7 m <sup>2</sup>
Flat 16	2	14 m <sup>2</sup>	0	14 m <sup>2</sup>	20 m <sup>2</sup>	6 m <sup>2</sup>
Flat 17	2	9 m <sup>2</sup>	36	45 m <sup>2</sup>	20 m <sup>2</sup>	0 m <sup>2</sup>
Flat 18	3	0	30 m <sup>2</sup>	30 m <sup>2</sup>	50 m <sup>2</sup>	20 m <sup>2</sup>
(Duplex)						
Flat 19 (Duplex)	3	0	33 m <sup>2</sup>	30 m <sup>2</sup>	50 m <sup>2</sup>	17m <sup>2</sup>
Flat 20	2	7 m <sup>2</sup>	0	7 m <sup>2</sup>	20 m <sup>2</sup>	13 m <sup>2</sup>
Flat 21	2	7 m <sup>2</sup>	0	7 m <sup>2</sup>	20 m <sup>2</sup>	13 m <sup>2</sup>
Flat 22 (Studio)	Studio	7 m <sup>2</sup>	0	7 m <sup>2</sup>	20 m <sup>2</sup>	13 m <sup>2</sup>
Flat 23 (Duplex)	3	14 m <sup>2</sup>	0	14 m <sup>2</sup>	20 m <sup>2</sup>	6 m <sup>2</sup>
<b>Total</b>		<b>161sqm</b>	<b>259sqm</b>	<b>420sqm Total</b>	<b>580sqm</b>	<b>226sqm</b>

*Overall Flat Amenity Shortfall calculation*

Category	Area (m <sup>2</sup> )
Shortfall in private amenity space	226 m <sup>2</sup>
Communal amenity space	260 m <sup>2</sup>
<b><u>Overall Shortfall</u></b>	<b><u>Zero</u></b>

*Comparison with extant Planning Application 21/3754:*

34. The previous consented scheme had a notable shortfall in private and communal amenity spaces. The private amenity space in the previous scheme totalled 354 sqm, with 72 sqm of communal garden space and 30 sqm of communal roof terrace. This resulted in a total amenity provision of 456 m<sup>2</sup>, which left a shortfall of 198 sqm. Additionally, the quality of the communal spaces in the previous application was criticised, as the communal garden was mostly located adjacent to the railway tracks and had lower levels of natural light and privacy.
35. In contrast, the current proposal improves both the quantity and quality of the amenity spaces to be in compliant with policy BH13 as discussed above.

### **Design, Character and Heritage**

36. As discussed above, the application site is situated within a designated “Intensification Corridor” and “Priority Area for Housing” where the provision of new homes is expected and the character of the area is expected to change. No. 66 Cavendish Road is situated outside of but adjoining the Brondesbury Conservation Area. However, the application site includes a part of the rear garden of 64 Cavendish Road which is situated within the Conservation Area, with this area proposed to form a part of the communal garden for the flats.

### **Existing character of area**

37. The surrounding area is characterised mainly by large detached three-storey houses with hipped roofs, of which the ground floors are partly set below external ground level while the main entrances are raised above ground level and accessed by steps. Front dormer windows are a common feature of the area, adding further bulk to the existing street scene at roof level. However, there are also examples of larger three to four-storey apartment blocks of varied architectural styles including more recent flat-roofed developments such as at 170 and 172-174 Willesden Lane, The Avenue and Christchurch Avenue. There are also several extant consents in the area for the redevelopment of sites to provide three to five-storey apartment blocks.
38. In particular, planning permission has been granted and under construction for a five-storey building in a contemporary style at 162 Willesden Lane (reference 19/0834 and 20/2041), which sits opposite the site on the northeast corner junction. This building has an L-shaped footprint and includes one storey set below external ground level. Whilst it would be of a similar height to neighbouring three-storey properties, the building would be significantly greater in bulk, occupying the majority of the site footprint across both street frontages. Policy BD2 sets out the buildings up to 15 m in height could be considered acceptable. Ground level varies within and adjoining the site. The building primarily sits below this height. The roof of the 4th floor, situated on the corner, projects slightly above this height. The parapets and railing for the roof terrace and the lift over-run projecting above this, with the brick parapet reaching approximately 16.6 m above ground level at some points and the railing approximately 50 cm above this. This additional height is focused on the corner and is not considered to result in a building that appears disproportionately large given the emerging context and Intensification Corridor designation. It should be noted that the extant consent would be 16.2 metres above ground level with brick parapets and approximately 40cm railing above.
39. At Willesden Lane, as the junction is approached the proposed massing has the appearance of stepping down due to the middle block parapet being raised. This creates a sense of cohesion on the Willesden Lane elevation and break up in the overall massing and bulk.
40. The existing building on site is similar in style to other properties in the area and is considered to be typical of the early Victorian / late Georgian style but not to have any overriding architectural merit that would preclude the redevelopment of the site. The building is not listed or locally listed and there is no policy objection to its demolition.



## Impact on heritage assets:

41. The NPPF advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss. Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
42. Brent's Policy DMP1 and the Brent Design Guide SPD1, provide further guidance on principles of good design. Local Plan Policy BD1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character.
43. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the 'assets' significance and appreciation within their surroundings. Policy BHC1 of the Local Plan further re-emphasises the matters above. Policy BP1 further reveals the importance of conserving and enhancing heritage assets within this part of the Borough.
44. Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
45. In this case, the following heritage assets are in close proximity to the site and could potentially be affected by the development:
  - Christ Church, Grade II listed (a designated heritage asset), located approx 150m to the northwest
  - Brondesbury Conservation Area to the north / northeast (a designated heritage asset)
  - North Kilburn Conservation Area to the southeast (a designated heritage asset)
  - 161 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 50m to the northwest
  - 167 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 90m to the northwest;
46. The site is adjacent to Brondesbury Conservation Area as extended.
47. An extant application has been approved on site with similar bulk and massing, but more rationalised and angular in terms of corners in this application. In terms of materiality, varied London Stock brown bricks are proposed alongside lighter stone banding, as a subtle reference to neighbouring buildings. The proposed balconies and window frames would be constructed from bronze anodised aluminium to form a cohesive palette of colours alongside the brick and stone. The proposed massing on Cavendish Road similarly respects the neighbouring semi-detached houses and follows the previously approved scheme.
48. It is also noted that the recent approval of the comprehensive redevelopment of 162 Willesden Lane, to the immediate north of the site, would add a further degree of change and intensification with modern architecture between the site and the church.
49. Given the distance between the site and the Grade II listed church and the two locally listed buildings, and the fact that 162 Willesden Lane is situated between the site and these assets, it is considered that the proposed development would not result in any impact or cause any harm to the significance of nearby designated and non-designated heritage assets.
50. Brent's Principal Heritage officer had previously reviewed the earlier planning application and confirmed that it did not impact the relevant heritage assets. The overall massing and proportions of the current proposal remain similar in nature as the previous application, particularly toward the front facade on

Cavendish Road, where the extended conservation area lies. Having regard to the extension of the Brondesbury Park Conservation Area, the proposal would result in less than substantial harm, due to the changes to the appearance of the streetscene. However, the benefits of the proposal including the delivery of 23 new homes with a policy compliant level of family sized homes, would outweigh limited harm.

51. In conclusion, in line with paragraph 202 of the NPPF, the officers have concluded that the overall impact on the appearance of the Conservation Area taking in to account the consented scheme would be less than substantial with the benefits identified above outweighing the limited harm.

### **Design and appearance:**

52. The National Planning Policy Framework (NPPF) emphasises the need for high-quality design that complements local character while optimising site potential. London Plan Policy D3 advocates a design-led approach that respects local context while encouraging inclusive design through Policy D5.
53. Brent's Local Plan Policy DMP1 and the Brent Design Guide (SPD1) reinforce these principles, setting high expectations for urban design. Policy BD2 allows for buildings up to 15 meters (five storeys) in intensification corridors. The proposal, with six storeys (appearing as five due to the lower ground floor), generally adheres to this standard.
54. The proposed building would include a lower ground floor level which would be set below external ground level but would be set within a series of private amenity spaces to provide a degree of visibility to the street scene. This element would be generally in keeping with the surrounding area, in which lower ground floor accommodation set partly below the street is a common feature. Above ground, the front element of the building would be three storeys tall with a mansard roof providing an additional fourth storey. This element would be of the similar overall height as the adjacent building at No 64 Cavendish Avenue. The building would then rise to five storeys on the corner, with an angular bay providing a distinctive feature on the corner. The rear part of the building would step down to four storeys along the Willesden Lane frontage but the third and fourth storeys would be set in from the boundary with the adjacent property at No 64 Cavendish Avenue.
55. The combination of elements of different heights and forms would respond effectively to the context and provide sufficient articulation to break up the bulk and mass of the building and maintain visual interest. The overall height and massing are considered to be appropriate to the corner location, with well-composed facades and good proportions that establish a clear hierarchy across the scheme. The building would address both street frontages and the communal entrances divided in two cores A and B would be clearly defined and expressed within the wider streetscape, creating legibility and a sense of arrival for future residents.
56. The proposed scheme incorporates additional land at the rear of 64 Cavendish Road. This has allowed for a slight increase in footprint and height towards the south of the site on third floor which has been extended and raised to match the corner's height, creating a 'bookend' development. The previous consent also had a curved architectural element on the corner Willesden Lane and Cavendish Road which has been replaced by an angular bay window like feature instead which would still break up the façade and make it less bulky.
57. As such the rationalisation of the approved scheme's design is supported as the overall design and massing is acceptable.
58. The Design & Access Statement sets out a clear approach to materiality, reinterpreting various design details and features from the surrounding context in a contemporary manner, and is considered to provide the basis for delivery of a high quality and robust development. Opportunities for landscaping within the site have been maximised with communal amenity space to the rear of 64 Cavendish Road which includes trees and planting helping to ground the scheme within the surrounding area. Overall, the proposal is acceptable in terms of urban design, and responds well to the constraints of the site. The principal urban design officer has reviewed the scheme and is satisfied, subject to further details of materials and key construction details which is conditioned as part of this application.

### **Impact on Neighbouring Properties:**

59. In accordance with Brent's Policy DMP1, any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m to existing habitable room windows and 9m to boundaries should be maintained.
60. To ensure development does not adversely impact on daylight and sunlight to existing properties, new buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing private rear garden boundaries, both measured from a height of two metres above ground level. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts.
61. The proposed development is located on a corner plot against the railway embankment, and the only immediately adjoining property is No 64 Cavendish Road, which contains six flats. In relation to the boundary with this property, the front part of the building would be set back approx. 0.45m from the front building line of No. 64 Cavendish Road and set rearward of the rear building line of No. 64 Cavendish Road by 1.27m. The rear part of the building would comply with 1:2 rule from the nearest rear habitable room window within No. 64 Cavendish Road.
62. At the rear, the development generally complies with the 45 degree guideline, except for a minor breach caused by the parapets for a partial length of the development closer to No.64 Cavendish Road garden boundary. Importantly, the main bulk and structure of the building remains below the 45 degree line minimising any potential impact. Given the size of the rear garden at No. 64 Cavendish Road, this minor encroachment is considered negligible and does not result in significant unacceptable harm to outlook, privacy, or their light availability.
63. There are side facing windows to No. 64 Cavendish Road, these are already affected by the existing building. As such, given the location of the development relative to the neighbouring property, the 30 degree test is considered acceptable. The proposal would be compliant with the 30 degree rule measured from the ground floor windows at No.162 Willesden Lane on the opposite side. There is also more than 23 metre gap across the street to No.1 to 12 Fountain House and sufficiently complies with 30 degree rule from their windows. As a result, the proposed development is considered to have a minimal and acceptable impact on neighbouring amenities maintaining an appropriate relationship.
64. Due to the arrangement of the building, the development has the potential to impact the privacy of neighbouring residents at No 64 Cavendish Road. The side elevation of the rear part of the building would be located less than 9m from the boundary with the rear garden of that property. In order to ensure that the development does not result in undue overlooking and loss of privacy, ground floor and first floor habitable room windows in this elevation would be recessed at an angle so as to provide oblique views towards the far rear garden of No 64. The closest window would be around 6.95m from the boundary. The distances are comparable to the extant scheme which has similar window arrangement including splayed windows with the closest window at 7.4m from the boundary. The current application would not be considered to materially worsen overlooking into the neighbouring garden compared to the extant consent.
65. The building steps back further to achieve a distance of 7.96m separation distance at second floor level. Once again, a similar arrangement was approved under the extant consent with a distance of 8.2m being achieved. At third floor level the habitable room windows within the mansard roof achieve 8.9m separation distance to the boundary with No. 64 Cavendish Road. Whilst the extant scheme achieved over 9m at third floor level, the shortfall by 0.1m would be marginal and not considered to be harmful to neighbouring amenity. The proposed building would not significantly impact on any front or rear-facing habitable room windows at this property due to their location and orientation.
66. The proposed external cycle storage within the rear communal garden is designed with a lightweight steel frame finished with wood cladding. It will have a maximum height of 2.7 metres and will be set back 1.2 metres from the boundary with the neighbouring garden of 62 Cavendish Road. Given the setback distance and the presence of vegetation, including trees along the boundary, the structure is not expected to have any significant impact on the amenity or outlook of the neighbouring property.
67. The application has been accompanied by a Daylight and Sunlight Assessment, which evaluated the impact on three surrounding properties. These include Fountain House on the opposite side of Willesden Lane (with 36 windows), No. 64 Cavendish Road (with 10 windows, including three side elevation

windows which are understood not to serve primary habitable rooms), and the recently consented scheme at 162 Willesden Lane (with 13 windows, including three at the basement level). This will be discussed in more detail below.

### **Daylight and sunlight:**

68. The daylight and sunlight assessment for the proposed redevelopment at 66 Cavendish Road (application 24-1140) was conducted in compliance with BRE guidelines and BS EN 17037:2018 standards. This report assesses both the impact on neighbouring properties and the internal daylight provision within the proposed development.

#### Daylight Impact on Surrounding Properties:

69. The Vertical Sky Component (VSC) analysis shows that 54 out of 56 windows in surrounding properties retain more than 80% of their existing VSC or achieve the threshold of 27%, meeting the BRE standards. However, two windows on the side elevation of 64 Cavendish Road, which already have low levels of daylight due to their orientation, fall short of this target, retaining 67.87% and 58.35% of their original daylight values. These reductions are deemed moderate and acceptable in an urban context, especially considering the minimal actual loss of visible sky for these windows.

70. The findings of the application 24/1140 daylight and sunlight assessment are consistent with those of the previously approved application 21/3754. Both reports show that most neighbouring windows retain acceptable levels of daylight, with only two side-facing windows at 64 Cavendish Road falling below BRE targets. However, the reduction in VSC for these windows in the 24/1140 application is slightly more (67.87% and 58.35%) compared to the 2021 assessment (72.87% and 68.02%). Despite this, both assessments consider the impact moderate and acceptable.

71. The updated Daylight and Sunlight assessment included an evaluation of the No Sky Line (NSL), utilising available floor plans for the new development at No.162 Willesden Lane. The assessment confirmed that the identified rooms retained over 80% of their areas within the NSL, demonstrating compliance with the BRE guidance.

#### Sunlight Impact on Surrounding Properties:

72. The Annual Probable Sunlight Hours (APSH) for south-facing windows were analysed, and all relevant windows comply with the BRE guidelines, either retaining 25% of annual sunlight hours or 80% of their original values. The overshadowing impact on the neighbouring garden is within acceptable limits, with over 80% of its area still receiving at least two hours of sunlight on March 21<sup>st</sup>.

#### Conclusion:

73. The 24/1140 application maintains compliance with BRE guidelines, offering similar daylight and sunlight conditions to those presented in the previously approved application. While there is a marginal increase in daylight reduction for some windows, the overall impact remains moderate and acceptable. The internal daylight conditions for the new development meet current standards, ensuring high-quality living spaces for future residents.

74. The impact on daylight to two neighbouring side facing windows is considered not to be unduly adverse, and overall the proposal is considered to have an acceptable relationship with neighbouring properties, and to comply with the relevant policies in this regard.

### **Urban Greening:**

75. London Plan Policy G5 requires major development proposals to include urban greening measures, with an Urban Greening Factor (UGF) target of 0.4 for residential developments. Brent's Policy BH4 aligns with the UGF target of 0.4 for proposals involving the redevelopment of small sites.

76. The proposed development achieves an Urban Greening Factor (UGF) score of 0.55, exceeding the target of 0.4 required by both the London Plan and Brent's policies. This application would increase the UGF from the previous consent from 0.39 to 0.55 which is an improvement. The site design includes green roofs, Permeable paving, tree planting, and Flower-rich perennial planting.

### **Ecological Assessment and Biodiversity Net Gain**

77. London Plan Policy G6 provides protection for Sites of Importance for Nature Conservation (SINCs) and mandates that developments in these areas mitigate any loss of biodiversity. Brent's Policy BGI1 emphasises that there should be no net loss of biodiversity, particularly in wildlife corridors, and encourages developments to support and enhance biodiversity.
78. The Environment Act 2021 mandates a minimum 10% biodiversity net gain (BNG) for all major developments in the UK, requiring developers to demonstrate measurable improvements to biodiversity, either on-site or through off-site compensation.
79. The rear of the site borders a railway embankment, which is part of the Silverlink Metro Site of Importance for Nature Conservation (SINC) (Grade 1) and a wildlife corridor protected under Brent's Policy BGI1. A Preliminary Ecological Appraisal was submitted, including an assessment of the habitats on-site for their suitability for roosting bats. While multiple records of birds, bats, hedgehogs, and reptiles were found within 2km of the site, no direct evidence of these species was recorded on-site during the survey. The habitats on-site, which include unmanaged grassland, scattered trees, and introduced shrub, were assessed as being of low ecological value. The adjacent railway embankment provides a valuable commuting corridor for birds, bats, and other wildlife. Overall, the proposal was assessed as unlikely to adversely affect the ecological value of the area.
80. The existing building on-site was assessed as having low potential for bat roosts, and no evidence of roosting bats was found. A further nocturnal bat survey is recommended between May and August to confirm whether bats are using the building. If bats are found, appropriate mitigation, including the installation of bat boxes, would be required.
81. The appraisal included recommendations for further actions, such as hedgehog and reptile avoidance measures during construction. Compliance with these recommendations would be required by the attached condition.

#### Biodiversity Enhancements

82. To enhance the biodiversity of the site, the following measures are proposed:

- Installation of two bird boxes, suitable for species such as house sparrow or swift.
- Installation of two bat boxes or bat bricks (e.g., Vivara bat bricks) integrated into the new buildings to provide roosting opportunities for bats.
- Incorporation of wildlife-friendly landscaping, using native plant species to provide food and shelter for local wildlife.

83. These enhancements would help improve the site's biodiversity and contribute to its ecological value in the long term.

#### Biodiversity Net Gain

##### *Biodiversity Net Gain Hierarchy*

79. The Biodiversity Net Gain Hierarchy follows a sequential approach to determine where biodiversity offsets should be located, with the aim of keeping them as close and relevant to the impact site as possible. The sequence is as follows:

1. Completely on-site: Achieve biodiversity gains directly at the development site itself.
2. Combination of on-site and off-site within the Borough of Brent: Prioritise nearby off-site locations within the same borough to maintain ecological connectivity.
3. Combination of on-site and off-site, outside the Borough of Brent but within Brent's ecological network: If on-site and borough-based options aren't sufficient, look for nearby sites within Brent's broader ecological network.
4. Combination of on-site and off-site within adjacent local authorities: Use sites in adjacent authorities if no options within Brent's network are available.
5. Combination of on-site and off-site, outside the Borough of Brent but within a local authority in England: When closer options are exhausted, consider sites further afield within England.
6. Combination of any of the above with national statutory credits: If necessary, use national biodiversity credits alongside any of the above options.

7. National Statutory Biodiversity Credits only: As a last resort, use national credits alone, which can be costly and less ecologically aligned with the impact site.

88. This hierarchy aims to keep biodiversity offsets as geographically close to the development site as possible, reducing ecological disruption and minimising additional costs due to spatial separation.

#### Proposal

84. The proposed development at 66 Cavendish Road has been assessed in terms of its impact on local biodiversity, with a specific focus on Biodiversity Net Gain (BNG) and the loss of key ecological features on-site. The development will result in a significant net loss in biodiversity, with a current BNG score of 0.88 Biodiversity Units (BU) compared to a baseline of 2.77 BU, creating a deficit of 1.89 BU. To comply with the mandatory 10% biodiversity uplift required by law, the developer will need to address this shortfall through off-site biodiversity units or other compensatory measures.

85. Given the constraints of the site, the potential to achieve a 10 % gain in on-site biodiversity is limited. As a result, the council supports a sequential approach to securing off-site biodiversity units, including options outside of Brent if necessary. Currently, there are no habitat banks available within Brent to the council's knowledge. While there is an intention to create a habitat bank in the future, the council is not yet able to offer units to developers. Several habitat bank brokers and companies operate within the southeast of England. A limited list of providers is as follows:

- Environment Bank
- Buckinghamshire County Council
- Oxfordshire County Council
- Habitat Vault

86. Some of these providers may have habitat banks within the Thames Valley Natural Character Area, where Brent is located. It is the responsibility of the applicant to identify and arrange the provisional purchase of necessary biodiversity units, update the Statutory Metric, and submit this information along with the Biodiversity Gain Plan no later than the pre-commencement phase of development. However, detailed allocation of habitat units and securing the s.106 off-site agreement typically comes post-determination, as part of the Biodiversity Gain Plan.

87. If off-site units cannot be secured, statutory credits may be purchased as a last resort. These credits are less desirable because they incur the Spatial Risk Multiplier (SRM), which effectively doubles the number of credits required, significantly increasing costs. The developer is encouraged to explore other options before resorting to statutory credits.

88. To comply with the BNG requirements, the development will include several measures, such as the retention and protection of existing trees (including the TPO Horse Chestnut tree), the installation of bird and bat boxes, and the use of wildlife-friendly landscaping with native species. A s.106 agreement will ensure that all habitats created or retained on-site are managed for at least 30 years, with monitoring checkpoints (at years 1, 3, 5, 7, 10, 20, and 30) to assess habitat condition. If any habitats fail to meet their predicted condition during monitoring, remedial actions and compensation will be required.

#### Conclusion:

89. The development's biodiversity deficit requires securing off-site biodiversity units, with priority given to habitat banks in the Thames Valley Natural Character Area. A s.106 agreement would ensure long-term biodiversity management and monitoring.

#### **Trees and Arboricultural Considerations:**

90. The potential effect of the development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of all planning applications. Brent's Policy BGI2 requires a tree survey where development could affect trees on or near the site and seeks new tree planting to accompany major developments.

91. In line with Brent's Policy BGI2, the applicant conducted a detailed tree survey, identifying a total of 30 trees and tree groups, both on and off-site, with 9 trees and 1 group of Category B and the remaining 20

tree f Category C. Among these are T3 (Horse Chestnut) and T17 (Tree of Heaven), both of which are subject to Tree Preservation Orders (TPO). Other notable trees include T1 (Norway Maple), a Category B tree located at the road junction, and T8 (Lime) at the frontage of No. 64. A total of 18 trees and tree groups are proposed for removal to facilitate the development, including 4 Category B trees (T10, T11, T14 and T20) and 13 Category C trees (T4, T5, T6, T7, T8, T9, T12, T13, T15, T16, T19, T21, T23, and T29 on border with neighbouring garden). The loss of these trees is to be mitigated by the planting of five new trees on the terraces and in the communal garden. However, this does not compensate for the loss of trees in terms of canopy and number completely as two trees growing within a container on the green roof would not achieve their full potentials. The extant consent included the removal of these trees but included the provision of seven replacement trees with 4 along Cavendish Road frontage, 2 along Willesden Lane frontage and 1 in the communal amenity space on the ground floor. To match the extant application the council would secure a contribution for four off site trees in the vicinity at £1,200 per tree, totalling to £4,800 as part of the S106 agreement.

92. Crown reduction will be undertaken for T3 (Horse Chestnut) to allow adequate clearance for construction, while T6 (Norway Maple) and T24 (Cypress) have already undergone previous crown reductions. The Council's Tree Officer initially raised concerns about the crown reduction of T3 and potential root encroachment as part of the construction, which could impact the long-term health and survival of the tree. However, it has since been confirmed that there would be no encroachment towards T3 and that the eastern side of the building would remain with the same building line as the consented scheme.
93. An updated Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) are required, providing a schedule of Arboricultural Supervision by a suitably qualified consultant. A pre-commencement site supervision condition is attached to this application, requiring supervision during key phases of development:
- Facilitation works to trees prior to commencement of development (i.e. crown reduction of Horse Chestnut by 2.0m)
  - Site set up, including installation of tree protection measures
  - Excavation within RPA of trees to be retained
  - Construction of hard surfacing within the RPA of trees to be retained
  - Any other excavation within RPA of trees to be retained including boundary treatment, or any additional necessary pruning work

### Conclusion

94. In summary, the proposed development strikes a balance between urban growth and ecological responsibility. While there is an inevitable net biodiversity loss, this would be offset through off-site compensation measures and the protection of key habitats under the S106 agreement. The retention of important trees, the introduction of new greenery, and the focus on wildlife-friendly landscaping ensure that the project aligns with the London Plan and Brent's Local Plan policies.

### **Fire safety:**

95. The development at 66 Cavendish Road complies with Policy D12 of the London Plan, which requires all major developments to be submitted with a Fire Statement prepared by an independent, suitably qualified assessor. The Fire Statement, provided by CHPK Fire Engineering Ltd, ensures the following key fire safety measures:
- a) *Building Construction (D12(A)):*
    - The structure would use reinforced concrete (RC) frame with fire-resistant materials. Cavity barriers would be installed to prevent fire spread, ensuring compliance with safe construction standards.
  - b) *Means of Escape (D12(B)):*
    - A 'stay-put' strategy would be used for residential units, supported by high compartmentation to prevent fire spread. Accessible escape routes will be provided with compliant door widths, facilitating safe evacuation for all users, including those with disabilities.
  - c) *Fire Safety Systems (D12(B)):*
    - Block A will be equipped with a sprinkler system, and all residential units would have fire alarms. Additional safety features include escape signage and emergency lighting to guide occupants during an evacuation.
  - d) *Firefighting Access (D12(B)):*

- Fire appliance access will be available from Cavendish Road and Willesden Lane, with a dry riser installed to assist firefighting operations. Smoke ventilation would be managed through automatic opening vents (AOVs) to ensure a clear path for evacuation and firefighting.
- e) Evacuation Lift (D12(B) & D5(B5)):
  - Block A would include an evacuation lift designed to remain operational during a fire, with a backup power supply, ensuring safe evacuation for all occupants.

96. The proposal fully complies with Policy D12(A), ensuring safe building construction, and D12(B), providing adequate means of escape, fire safety systems, and firefighting access. These measures would ensure both occupant safety and support for the fire and rescue service in case of an emergency.

### **Energy and sustainability:**

97. The proposed development at 66 Cavendish Road (planning reference 24/1140) aligns with the energy efficiency and sustainability requirements set out in London Plan Policy SI2 and Brent's Policy BSUI1. These policies require developments to demonstrate substantial reductions in carbon emissions, contribute to mitigating climate change, and optimise the use of renewable energy technologies.
98. In accordance with London Plan Policy SI2, the proposed development exceeds the minimum requirement of a 35% reduction in carbon emissions by achieving a 48% reduction through enhanced fabric energy efficiency measures and the incorporation of renewable technologies. The development at 66 Cavendish Road achieves this reduction from a baseline of 11.92 tonnes of CO<sub>2</sub> per year. The remaining 6.2 tonnes of CO<sub>2</sub> per year will need to be offset. Over 30 years, this results in a total CO<sub>2</sub> shortfall of 186 tonnes. According to the London Plan, at a rate of £95 per tonne, the carbon offset payment of £17,670 would be secured through a Section 106 (S106) Agreement, along with the requirement for an updated Energy Statement and the necessary financial contributions to Brent's carbon offsetting fund through legal agreements.
99. The proposal includes the use of air source heat pumps (ASHP) and solar photovoltaic panels (PV), which contribute to a significant portion of the energy savings. The building is also designed to ensure that water consumption is limited to 105 litres per person per day, meeting the standards outlined in London Plan Policy SI5.
100. Brent's Policy BSUI1 requires developments to integrate sustainable design principles to mitigate the effects of climate change. The inclusion of mechanical ventilation with heat recovery (MVHR) in the proposed design ensures that the development will benefit from high indoor air quality while minimising heating demands. This system, combined with the optimised use of renewable energy sources, enhances the building's overall energy efficiency and aligns with Brent's objectives for sustainable development.

### *Comparison to Previous Application (21/3754)*

101. The previously consented application (planning reference 21/3754) achieved a 55.5% reduction in carbon emissions, which is higher than the current proposal's 48% reduction. However, the 24/1140 application introduces more advanced sustainability measures, such as MVHR, which were not present in the previous scheme. Additionally, the new application undertakes a comprehensive CIBSE TM59 overheating assessment, addressing future climate conditions and providing enhanced thermal comfort for residents. While the previous application achieved a greater immediate reduction in carbon emissions, the new proposal provides better long-term resilience against climate change, improved air quality, and a more holistic approach to energy efficiency.
102. The previous consent also required an updated energy statement and financial contribution to Brent's carbon offsetting funds through legal agreements. The development also could not achieve zero carbon solely on-site, and therefore, it was required to offset 6.2 tonnes of carbon per year. Over a 30-year period, this equated to a total shortfall of 187 tonnes of CO<sub>2</sub>, resulting in a carbon offset payment of £17,730 to the Carbon Offsetting Fund, calculated at £95 per tonne.
103. Although the previous application delivered a marginally higher reduction in carbon emissions, the current proposal offers a more balanced and sustainable approach by integrating more advanced technologies and design strategies that address both energy efficiency and future climate resilience. The inclusion of MVHR improves indoor air quality and reduces the overall energy demand for heating, while the detailed overheating assessment ensures the building will maintain thermal comfort in the face of



rising temperatures. Furthermore, the use of ASHP and PV panels would still contribute significantly to the site's renewable energy generation.

104. To ensure that the development achieves a zero-carbon standard, updated energy statements would be required at the detailed design and post-construction stages. Additionally, the development would need to contribute to the Council's carbon offsetting fund and commit to monitor and report on energy performance. These commitments would be secured through a Section 106 agreement. Further details of the PV panels and heat pumps would be required by condition, alongside details of how the development would be designed to ensure future connection to a district heat network.

105. In conclusion, this application meets the energy and sustainability targets outlined in the London Plan and Brent's local policies.

### **Transport Consideration:**

106. Car parking allowances for Brent are set out in Appendix 4 of the Local Plan and for residential development, this requires compliance with the standards set out in Table 10.3 of the London Plan. As the site has good access to public transport services and is located in the well-connected southern part of the Borough with PTAL 4 (good), up to 0.5 spaces per flat are allowed, giving a total allowance of 11 spaces for these 23 flats.

107. No off-street parking is proposed within the site, so maximum standards would be complied with.

108. As the crossover to the site will therefore become redundant, it will need to be removed and reinstated to footway with full-height kerbs and this should be undertaken at the developer's expense as a condition of any approval. This would be secured as a condition.

109. Policy BT2 also requires that any overspill parking can be safely accommodated on-street and in this case, there is insufficient space to accommodate the resultant parking demand along the site frontage (notwithstanding the lightly parked nature of Cavendish Road).

110. The applicant has therefore proposed within their Transport Statement that the development is designated as 'car-free', with the right of future residents (aside from Blue Badge holders) to on street parking permits being withdrawn. As with previous planning consent 21/3754, a condition is sought to secure this.

111. As disabled Blue Badge holders would be exempt from any such agreement, they would be free to use the parking bays along the Cavendish Road frontage of the site to meet the disabled parking requirements.

112. The London Plan requires a minimum of 43 secure long-stay bicycle parking spaces, plus two short-stay spaces for visitors. A storeroom is proposed at ground floor level for 20 bikes on two-tier racks and 2 Sheffield stands for non-standard or oversized bicycles and tricycles. A further 20 bikes store on two tier shelter is also proposed within the communal amenity area meeting the requirements.

113. Two bike stands are also proposed near the main building entrance for visitors, which are welcomed.

114. Bin storage (five Eurobins and seven wheeled bins) is shown along the Willesden Lane frontage of the site, providing more than enough capacity and allowing easy access for collection from the adjoining highway.

115. The two building entrances will both front Willesden Lane, which is fine. However, it should be noted that any deliveries to the building's residents from the site frontage would need to be made outside of peak times in order to comply with the loading restrictions on the street, although delivery vehicles could use parking bays in Cavendish Road.

116. A Transport Statement has been submitted with the application, which considers the likely trip generation from the site. With 13 flats already located on the site, the net increase in units is ten. Based upon comparisons with other residential developments in London, these additional flats are predicted to generate just six additional trips in each peak hour and as no car parking would be available, none of these trips are expected to be by car. The proposal will therefore have a negligible impact on local transport networks.

117. Finally, the road junction adjoining the site lacks pedestrian crossing phases. However, approval has recently been granted to use CIL funding to address this shortcoming and thereby improve highway safety for future residents from this development. Any future CIL funding secured from the development is therefore also able to contribute to those works.

118. Overall, the proposal is acceptable in transport terms and complies with the relevant policies.

## **Environmental health issues**

### Air quality

119. The site is within an Air Quality Management Area, and London Plan Policy SI1 requires an air quality assessment to demonstrate that the proposal would be air quality neutral.

120. The air quality assessment submitted has been reviewed by Environmental Health officers and is considered to demonstrate that there are no air quality impacts from the development. No conditions are required in relation to air quality.

### Contaminated land

121. Given that the site does not have a history of industrial use, it is currently not recommended to conduct a Land Contamination Assessment.

### Noise

122. The applicant has submitted a KP Acoustics noise assessment in relation to plant noise and has been assessed by Environmental Health Officers. This assessment provides background noise levels however as the plant specification has not been decided full details of the plant and a full plant noise assessment has not been undertaken. Therefore, a condition is attached to this application for noise levels from plants and any ancillary equipment.

123. As the development would be closer to the railway line than the existing building, the potential impact of noise and vibration from passing trains has been considered through a Noise and Vibration Impact Assessment. To mitigate these impacts, specific design measures would be implemented. These include high-performance glazing with sound reduction properties, designed to meet the required internal noise levels for living rooms and bedrooms, along with the installation of sound-insulating ventilation systems to maintain acceptable noise levels without the need to open windows. Additionally, measures such as mechanical ventilation systems and appropriate building materials will ensure that the internal environment is protected from external noise. These mitigation measures would be secured through planning conditions to ensure compliance with noise standards.

### Construction process

124. A Construction Method Statement would be required as a pre-commencement condition, setting out details of how dust, noise and other environmental impacts would be controlled during the construction period.

## **Flood risk and drainage:**

125. The site is situated in fluvial Flood Zone 1 although partly within a Flood Zone 3 for surface water flooding to the front on Cavendish Road and Willesden Lane. A Flood Risk Assessment and Drainage

Strategy has been submitted. The site is not within a critical drainage area and is located in a low risk area for groundwater flooding, which equates to the site being at low risk of flooding overall.

126. As the site geology is based on London Clay and the site is not in close proximity to a watercourse, infiltration into the ground and discharge to a surface water body are not practical.
127. The drainage strategy incorporates a substantial reduction in the surface water discharge rate, lowering it to 2.0 litres per second (l/s) for a 1 in 100-year storm event with a 40% climate change allowance—an 86% improvement over current discharge rates of up to 14.7 l/s. This betterment aligns with sustainable drainage goals, mitigating flood risks both on-site and downstream. The development increases the site's impermeable area to approximately 58%, representing an approximate 48% increase. To address the additional runoff, the strategy integrates sustainable drainage systems (SuDS), including green roofs and a 25 m<sup>3</sup> attenuation tank. The tank is designed to control runoff from the expanded impermeable surface, ensuring safe management of stormwater and reducing flood risks during extreme rainfall events. Consequently the development provides a significant betterment from a flood risk perspective, and is acceptable on this basis.
128. A basement impact assessment has been submitted, and this concludes that the basement would not adversely affect groundwater flow, surface flow or flooding due to the low permeability of London Clay.
129. The proposed drainage strategy for the development includes several key considerations that require further clarification and refinement as assessed by the Drainage and Flood Risk Officer. The greenfield runoff rates have been provided, but it is essential that these be clearly evidenced in the calculations, referencing industry-standard tools such as the Wallingford Greenfield Runoff Tool. Additionally, while the current proposal does not clearly state the level of the floor above the design flood level, it is recommended that floor levels be raised by 300mm above the design flood level (1 in 100-year flood event + climate change allowance), as this is a standard precautionary measure to mitigate any flood risk.
130. The drainage hierarchy has been acknowledged, but the use of rainwater harvesting or store-and-reuse systems has not been considered, and further justification is required if these are not implemented. The design should maximise the use of open spaces to incorporate SuDS for water quality, amenity, and biodiversity. For instance, the attenuation tank design could potentially be modified to serve additional benefits by functioning as a detention basin within the garden space, allowing for above-ground SuDS features. Exceedance flow routes must also be clearly defined in the layout to ensure safe water passage in case of sewer blockages or overflow.
131. Furthermore, a more detailed maintenance plan is required. As per the West London SFRA (2018), the plan must outline who is responsible for the long-term management of all drainage elements, including maintenance schedules and frequency, access arrangements, and responsible parties. This will ensure the proper functioning of SuDS and drainage systems throughout the development's lifecycle.
132. Mitigation of surface water flooding during extreme storm events (above 1 in 100 AEP) must be a priority, with a focus on ensuring that surface water does not flow onto the site when the system is at full capacity. The drainage layout also requires further development, including connections to the green roofs, and should demonstrate how the system ties into the existing sewer network to manage surface water effectively. More precise Causeway Flow modelling, with accurate FEH rainfall data, should be used to reflect actual flood risks, especially for longer storm durations (up to 1440 minutes) and intense rainfall events (e.g., 50mm/hr).
133. Both the maintenance plan and the detailed drainage layout will be subject to conditioning, ensuring that these critical components are finalised and approved prior to construction to meet local planning requirements and mitigate flood risks effectively.

## **Equalities**

134. 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**

135. The proposal would make efficient use of a small residential site to deliver new housing that would contribute to Brent's housing targets. The site is in existing residential use and is not designated open space, and conditions attached to protect retained trees and any ecological value contained in the railway embankment, together with new tree planting and landscaping. The existing housing is considered to be of substandard quality, and its loss can be supported on this basis. The design, scale and height of the building are considered to be appropriate to the context, and the proposal would cause only very limited loss of light and outlook to neighbouring side-facing windows. The proposal for a car-free development can be supported in this area of good access to public transport.
136. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.



**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**DECISION NOTICE – APPROVAL**

Application No: 24/1140

To: Miss Tate  
Iceni Projects  
Da Vinci House,  
44 Saffron Hill,  
London  
EC1N 8FM

I refer to your application dated **25/04/2024** proposing the following:

Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.

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

at 66 Cavendish Road, London, NW6 7XP

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: 07/01/2025

Signature:

**David Glover**  
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.

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2021  
Brent Local Plan 2019-2041

- 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):

A100 REV 03- Proposed Lower Ground Floor Plan  
A101 REV 01 - Proposed Ground Floor Plan  
A102 REV 01 - Proposed First Floor Plan  
A103 REV 01- Proposed Second Floor Plan  
A104 REV 01 - Proposed Third Floor Plan  
A105 - Proposed Fourth Floor Plan  
A106 REV 01- Proposed Fifth Floor Plan  
A137 - Part M4(3) Apartments  
A138 - Location Plan  
A139 - Proposed Site Plan  
A140 - Existing Site Plan  
A141 - Existing Floor Plans  
A142 - Existing North East Elevation  
A143 - Existing South West Elevation  
A144 - Existing South East Elevation  
A145 - Existing North West Elevation  
A 146 revision 01 - External Secure Cycle store  
A150 REV 00 - Existing Section A-A  
A151 REV 00 - Existing Section B-B  
A200 REV 00 - Proposed South East Section  
A201 REV 00 - Proposed North East Section  
A300 REV 00 - Proposed South East Elevation  
A301 REV 00 - Proposed North East Elevation  
A302 REV 00 - Proposed South West Elevation  
A303 REV 00 - Proposed North West Elevation

Existing trees on Proposed GA  
Design Access Statement - Part 1  
Design Access Statement - Part 2  
Tree Protection Plan Ground Floor Plan - 240411-2.3-66CR-TPPG-MM  
Tree Protection Plan Lower Ground Floor Plan - 240411-2.3-66CR-TPPLG-MM  
Landscape GA 5th Floor Green Roof Rev. B -545-PCA-ZZ-05-DR-L-1004  
Landscape GA – Lower Ground Floor - 545-PCA-ZZ-00-DR-L-1001 rev C  
Landscape GA - Ground Floor - 545-PCA-ZZ-00-DR-L-1002 rev E  
Landscape GA 4th Floor Green Roof Rev. B - 545-PCA-ZZ-04-DR-L-1003  
Preliminary Ecological Appraisal and Day Time Building Inspection - Ref: P.1450.21 - March 2024  
Biodiversity Management Plan - Ref P.1450.21  
Arboricultural Method Statement - Ref 250106-1.2-66CR-AMS-HB – Jan 2025

Noise Compliance report - 22292.PPCR.01  
Air Quality Assessment - Ref 4396-1r3 - April 2024  
Fire Engineering - CHPK Fire Engineering Ltd (CHPKFE) - April 2024  
Basement Impact Assessment - 8975-BHP-RP-S-001 - March 2024  
Daylight and Sunlight Assessment - 5590 - Jan, 2025  
Energy and Sustainability Statement - Ref. E1416-ESS-01 - April 2024  
CIBSE TM59 Overheating assessment - Ref E1416-OA-01  
Landscape report 1 and 2 dated 09/04/2024  
Transport Statement dated April 2024  
Surface Water Drainage Strategy - March 2024  
Noise and Vibration Impact Assessment Report - 22292.NVA.01

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

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan Policy S11.

- 4 The approved waste storage and cycle storage facilities shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

- 5 Occupiers of the residential development hereby approved shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

- 6 The development shall be carried out fully in accordance with the recommendations on internal overheating set out in the approved Energy and Sustainability Statement, and shall not thereafter be altered in any way without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is sufficiently sustainable, in accordance with London Plan Policy SI4 and SI5.

- 7 The developer shall enter into an agreement with the Highway Authority under s278 of the Highways Act 1980 to remove the existing vehicle crossover at the site and reinstate the public footway. The works shall thereafter be completed at the developer's expense and to the satisfaction of the Highway Authority, prior to first occupation or use of the development.

Reason: To ensure acceptable impacts upon the local highway network.

- 8 The recommendations set out in the approved *Preliminary Ecological Appraisal and Day Time Building Inspection* shall be carried out in full throughout the construction of the development and where relevant, the associated measures shall thereafter be retained and maintained.

Reason: To ensure an acceptable impact on ecology and protected species.

- 9 The development shall be implemented in strict accordance with the Tree Protection Plan and Arboricultural Method Statement (Treework Environmental Practice AMS report reference: 250106-1.2-66CR-AMS-HB rev 1.2) or subsequent approved revisions.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DMP1 and BGI 2.

- 10 The residential development must be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz) are not exceeded.

Vibration dose values -  
Low probability of adverse comment (m/s<sup>1.75</sup>)

Residential buildings 16 h day	0.2 to 0.4
Residential buildings 8 h night	0.1 to 0.2

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources.

- 11 The scheme hereby approved shall contain 33 residential dwellings within Use Class C3 as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 12 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.

- 13 The development hereby approved shall be built so that no fewer than 3 of the residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings, and the remaining ground floor homes shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.



Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy D7.

14

Prior to the commencement of the development a Construction Environmental Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

The statement shall include detail and statements on the following :

- Measures to control emissions during the construction phase relevant to a medium risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG.
- Strict adherence to the Tree Protection Plan (TPP) and Arboricultural Impact Assessment 240424-2.2-66CE-AIA-AN
- A minimum of one nocturnal bat survey on building B1 to determine if bats are using the building as a roost. In the unlikely event that a bat is discovered during the demolition works all must stop and a bat license ecologist should be contacted for further advice.
- construction lighting to ensure it is in accordance with Guidance Note 08/23 Bats and Artificial Lighting (Institute of Lighting Professionals and the Bat Conservation Trust)
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- The location and timing of sensitive works
- Responsible persons and lines of communication
- Use of protective fences, exclusion barriers and warning signs
- Risk assessment of potentially damaging construction activities

The development shall thereafter be constructed in accordance with the approved Construction Environmental Method Statement, together with the measures and monitoring protocols implemented throughout the construction phase.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance, and to safeguard existing biodiversity, amenity value of the site and surrounding area in accordance with policies DMP1 and BGI 2.

Pre-commencement reason: Required prior to commencement of development to satisfy the Local Planning Authority that protected species will not be harmed during demolition or construction.

- 15 Prior to the commencement of the development a method statement and risk assessment must be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the lifetime of the development.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 16 Prior to the commencement of the development details of any scaffolding works within 10m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason: In the interests of protecting the railway and its boundary from over-sailing scaffolding.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 17 No demolition works shall be undertaken until a demolition methodology statement (including mitigation measures) has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The demolition methodology statement strategy shall be implemented in full throughout the demolition period.

Reason: To safeguard the railway and its boundary from demolition machinery and dust and debris.

- 18 Prior to the commencement of the development (excluding demolition works) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason: To protect the adjacent railway and its boundary.

- 19 (a) Prior to the commencement of development (excluding site clearance and demolition), a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within that Phase. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

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

- 20 Prior to the commencement of the development (but excluding demolition, site preparation and the laying of foundations), details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details.

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

- 21 No vibro-impact works shall take place on site until a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason: To prevent any piling works and vibration from de-stabilising or impacting the railway.

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

accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 23 Prior to the commencement of development (excluding demolition, site clearance and laying of foundation), details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- i. A planting schedule detailing all proposed trees/plants/bulbs/plugs including numbers, pot sizes and densities including:  
Detail biodiversity enhancement through planting schemes that provide:
    - a) nectar, pollen and fruit resources throughout the seasons, a variety of structural diversity and larval food plants, through no less than 60% native and local species by number and diversity.
    - b.) Ornamental plants will not include any genera or species on Schedule 9 of the Wildlife and Countryside Act (1981) or the LISI list and should be on the "RHS Plants for Pollinators" lists (or of documented wildlife value), to provide increased resource availability.
    - c.) Cross-section/build-up of green roofs/biosolar roofs /living walls/ rain gardens (including how access for management will be created and maintained);
    - d.) Technical details of biodiverse roofs on bike / bin storage areas;
  - ii. Details of all proposed hardstanding
  - iii. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
  - iv. Details of a suitable trespass proof fence adjacent to the boundary with the railway line (including details of external materials and heights) in consultation with Network Rail
  - v. Details of appropriate vehicle safety protection measures along the boundary with the railway in consultation with Network Rail
  - vi. Details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan
  - vii. Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall each have capacity in line with London Plan policy T6
  - viii. Details of refuse store facilities

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the dwellings hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new trees(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality, and to protect the adjoining railway in accordance with policies DMP1 and BGI 2.

- 24 Prior to occupation of the development hereby permitted, a post development lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme will include:
- Pre-development light levels, including ambient lighting from the surrounds, presented as 1m centre spot values down to 0.1lux, with isolux contour lines showing light degradation

- Post-development light levels, presented as 1m centre spot values down to 0.1lux, with isolux contour lines showing light degradation and 3D luminance in-the-scene modelling
- Assessment of external lighting and light spill from any buildings through windows / security lighting etc.
- The technical details of the luminaires and columns to be used, including their location, type, shape, dimensions and expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- Consideration of horizontal spill up to <<20m>> from the site boundary if adjacent to a SINC / designated green space.
- Vertical spill shown in cross-sectional views.

Lighting will be designed to minimise impacts on biodiversity as outlined in Guidance Note 08/23 Bats and Artificial Lighting (Institute of Lighting Professionals and the Bat Conservation Trust).

Reason: To protect/fully mitigate/ enhance the biodiversity value of the land and adjacent land in accordance Policy BGI of the Brent Local Plan

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

Time	Area	Maximum noise level
daytime noise 07:00-23:00	living room / bedrooms	35 dB LAeq (16hr)
night time noise 23:00-07:00	bedrooms	30 dB LAeq (8hr) 45 dB LAmax

Prior to first occupation of the development hereby approved, a test shall be carried out and the results submitted to and approved in writing by the Local Planning Authority to demonstrate that the required noise levels have been met.

Reason: To obtain required sound insulation and prevent noise nuisance

- 26 Prior to occupation of the development hereby permitted, a scheme for wildlife and nesting features in accordance with the recommendation of the Ecological Impact Assessment Report shall be submitted to and approved in writing by the Local Planning Authority.

The scheme will include full details on: numbers of each feature, type of feature / box / brick, location (plan and elevation views) of each feature, height above ground (if applicable) and nearest external lighting (if likely to have an impact).

Features shall be undertaken in accordance with the approved scheme and thereafter retained in perpetuity.

Reason: To enhance the biodiversity value of the land in accordance Policy BGI of the Brent Local Plan.

- 27 Prior to first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans
  - b) Photographs to document each key stage of the drainage system when installed on site;
  - c) Photographs to document the completed installation of the drainage structures on site;

The Maintenance and Management Schedule should be strictly followed after completion of the development and form as part of the O&M Manual. The owner of the Maintenance and Management Schedule should be clearly identified.

Reason: To ensure that surface water flooding is reduced and controlled within the site.

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Any plant shall be installed, together with any associated ancillary equipment, 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 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed together with any necessary mitigation measures and maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

## 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 - Thames Water has advised the applicant of the following:**

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$.) .

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other

structures.[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$.) .

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

### Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to

read our guide working near or diverting our pipes.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$)

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$) . Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

### **3 - BAPA (Basic Asset Protection Agreement)**

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. Therefore, the applicant will submit an Asset Protection Questionnaire to [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

For further information on interfacing with Network Rail please see Working by the railway - Network Rail

**4 -** The developer is reminded that a Natural England Low Impact Class Licence and mitigation measures will be required to redevelop the site, and is advised to refer to the recommendations set out in the approved Bat Emergence Survey (Crossman Associates, Ref B1203.003 Issue 1, 18.10.21) in this respect. The developer should also be aware of any protected species legislation relevant to the implementation of this development, including statutory protection for nesting birds. Further guidance on construction near protected species can be found at

<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>

**5 -** The applicant is informed that, in relation to the discharge of conditions regarding the remediation of contaminated land, the quality of imported soil must be verified by means of in-situ soil sampling and analysis.

We do not accept soil quality certificates from the soil supplier as proof of soil quality.

**6 - (PWAL)** 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)

**7 - (F16)** 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.