

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 October, 2019
06
19/1095

SITE INFORMATION

RECEIVED	21 March, 2019
WARD	Willesden Green
PLANNING AREA	
LOCATION	39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10
PROPOSAL	Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, and associated landscaping.
PLAN NO'S	See Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_144521</p> <p><u>When viewing this as a Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "19/1095" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

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

1. Time limit for commencement
2. Approved drawings/documents
3. Defining/securing Affordable Housing
4. Use Restricted to D1
5. Removal of permitted development rights to change properties into small HMOs
6. Implementing Bin/Bicycle Storage
7. Restricting water consumption
8. Securing accessible units
9. Securing Training & Employment
10. Construction Method Statement
11. Securing Carbon Offset/Energy Statement
12. District Heating Network Connection
13. Plant Noise
14. Contaminated Land Investigation
15. Contaminated Land Verification and Remediation
16. Materials
17. Overheating Strategy
18. S278 Highway Works
19. External Lighting Strategy
20. PV Arrangements
21. Compliance with Arboricultural Report
22. Nominations Agreement
23. Parking Permit Restriction
24. Communal Sate Dish
25. Travel Plan
26. Sound Insulation
27. Air Quality Report/Mitigation
28. Air Quality Neutral Assessment
29. Landscaping
30. Hours of Operation

Informatives:

1. CIL Liable
2. Part Wall
3. Building Near Boundary
4. London Living Wage
5. Fire Safety
6. Pavement Notification
7. Thames Water Notification
8. Thames Water: Water Pressure

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

SITE MAP



Planning Committee Map

Site address: 39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10

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This map is indicative only.

PROPOSAL IN DETAIL

This application seeks planning permission for the '*Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, and associated landscaping*'.

The existing community centre measures approximately 292sqm and the proposed replacement community centres measures approximately 489sqm. The redevelopment of the site would not only replace and significantly increase the level of community floorspace, but also would allow a better quality facility for the community. It is recognised that the existing facilities are in a poor state of repair but that the community centre is well attended. The community centre would provide social facilities for local community used for club activities, discos, wedding celebrations, funerals and a variety of other social gatherings, card clubs, film shows, consultation sessions and clinics.

A total of 25 (96%) of the 26 homes would be for social rent, the ground floor unit would not be designed as Affordable Housing. It is currently intended to provide accommodation for the caretaker of the proposed Community Centre. A total of 7 family sized dwellings would be provided which equated to 26 % of the overall provision.

EXISTING

The site comprises the single storey Learie Constantine Centre (approximately 290SQM), a community building on the northeast side of Dudden Hill Lane, at the junction with Villiers Road, its car park and two terraced houses to the southeast. Beyond those two properties is No 37 Dudden Hill Lane. An area immediately to the east of the site is designated an Open Space. No part of the site is listed or located within a Conservation Area. Planning permission has been granted for developments to the west, on either side of the junction of Dudden Hill Lane and Colin Road, for four-storey buildings.

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:

- 1. Representations received:** 4 objections and one neutral comment (highlighting both points in objection and support) have been made on this application raising a variety of issues. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
- 2. Provision of new affordable homes:** Your officers give great weight to the delivery of a substantial proportion of Affordable homes. A total of 25 (96%) of the 26 units would be for social rent, with one unit provided as private accommodation, currently intended as a caretaker's home for the Community Centre. At 100 % Affordable Rent for the affordable homes, development does not meet the 70/30 ratio of Affordable Rent to Intermediate homes set out in policy. However, the proposed mix reflects the acute need for Affordable Rented homes in Brent and is considered to be acceptable.
- 3. Provision of an improved, high quality community centre:** The development will replace the existing community centre with a high quality community facility. The new facility will be larger and more usable.
- 4. Design, layout and height:** The proposal makes effective use of the existing site. It utilises good architecture with detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development in the areas changing context.
- 5. Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and

well aligned with the Core Strategy target mix. The flats would have good outlook and light. The amount of external private/communal space is acceptable when considering neighbouring facilities.

6. **Neighbouring amenity:** There would be acceptable impacts to neighbouring residential occupiers. The overall impact of the development is considered acceptable, given the number of units affected in terms of daylight/sunlight and the impact to the neighbouring terraces under the existing situation, particularly in view of overall living conditions that would be maintained and the wider regenerative benefits.
7. **Highways and transportation:** The scheme is to provide suitable provision of cycle parking and will encourage sustainable travel patterns and mitigate the potential for parking due to the new units, a 'permit-free' development, with the exception of blue badge parking spaces.
8. **Trees, landscaping and public realm:** Three trees would be removed in order to facilitate development. Appropriate mitigation measures to protect those retained trees during construction have been identified. A scheme of soft landscaping has been submitted which includes tree planting details to address the loss of three street trees in terms of visual amenity within the streetscene.
9. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy.

RELEVANT SITE HISTORY

No relevant Planning history.

CONSULTATIONS

A total of 299 nearby properties were consulted on the application on 4th April 2019.

Two site notices were posted outside the site on 26th April 2019 and a press notice was published on 2nd May 2019.

A total of 5 representations were received, including 4 objections. One of the representations was identified as "neutral" by the consultee, including concerns and points of support.

Point of objection	Officer response
<p>No parking proposed, 26 new flats and loss of car park would result in shortage of local parking.</p> <p>Parking for the community centre could impact on local roads</p> <p>Although car free, this cannot control parking from 6pm-8am which is free and open to anyone.</p> <p>Reference to parking enforcement at weekends not happening and people parking on double yellow lines, reference to price to allow socialising.</p> <p>Suggested that visitors passes should be limited.</p> <p>Locals suffer on match weekends and see people who seem likely to have been drinking</p>	<p>The local controlled parking zone and level of development is not considered to result in an adverse impact to local parking conditions. Please see transportation section of report.</p> <p>The occupiers of the new dwellings would not be eligible for parking permits.</p> <p>The enforcement of parking restrictions such as double yellow lines is undertaken through other legislation outside of the planning process.</p> <p>The concern about drink driving is not a material planning consideration.</p>
<p>Council should encourage a stable populations</p>	<p>Neither buy-to-let or HMO accommodation is</p>

<p>opposed to a transient buy to let market, reference made to too many HMOs in local area which leads to fly tipping and makes area less family friendly</p>	<p>proposed. A condition would be placed on the consent to prevent sub-division of properties or conversion to HMO's without planning permission.</p>
<p>Façade on Dudden Hill Lane not appropriate for a high road and the community centre entrance should be on Dudden Hill Lane. States active frontage should be on this side with an activity such as a retail</p>	<p>The option of having the community centre fronting Dudden Hill Lane was explored, this is discussed in the detailed considerations section of the report.</p> <p>A large proportion of the frontage along Dudden Hill Lane includes windows which a form of active frontage that serve the ground floor community use</p>
<p>Ground floor flat facing Dudden Hill Lane would not have reasonable aspect, concern raised they would not be able to open their windows without having their privacy invaded</p> <p>There is no buffer between the road and the living room and the area in front of the bedroom does not have any planting or structure to block pedestrians views in. It states that this is sub-optimal living standards and people should be treated with respect.</p>	<p>The ground floor flat would be single aspect but defensible space is proposed to the front of the bedroom.</p> <p>No defensible space is proposed in front of the kitchen/living room. However, this reflects the character of the homes in the immediate vicinity, including the adjoining home for which the front window is immediately adjacent to the footway.</p>
<p>Lost opportunity to link the community centre with the adjacent open space which would be facing a wall and an open space</p>	<p>The operation of the open space is separate to the running of the community centre.</p> <p>The Public Park is locked each evening and opened again in the morning, so direct access would not work well.</p>
<p>No green spaces are proposed within the boundary, this would benefit residents and mitigate the polluted main road, it states that this is bad practice and the development should not be permitted</p>	<p>It is important to note that the proximity of the adjacent open space.</p> <p>The proposal includes the addition of green roofs. The proposed landscaping is discussed in the detailed considerations section of this report.</p>
<p>The proposals are a missed opportunity for provide environmentally friendly technology such as PV Panel/ rainwater harvesting/re-use</p> <p>The green roofs are too small</p>	<p>The Energy Statement states that PV Panels would be proposed, although not shown in the drawings, the PV Panels and details would be secured by condition</p> <p>The level of green roof covering is not necessary to make the development acceptable and is considered sufficient.</p>
<p>Refuse collection should be made from Villiers Road instead of Dudden Hill Lane</p> <p>Fly tipping should be discouraged</p>	<p>Refuse collection is discussed in the detailed considerations section of the report. The proposed collection from Dudden Hill Lane has been considered acceptable by the Transport Department.</p> <p>Fly-tipping is not a material planning consideration</p>
<p>The proposals should aim for an excellent BREEAM rating</p>	<p>Policy CP 19 of the Brent Core Strategy (2010) asserts that for non-residential proposals a BREEAM 'Excellent' is expected. However, as the proposed non-residential space is far less than 1000sqm this is not considered a requirement.</p>

Brent need to support better cycle parking generally in the area for those using the community centre, states Brent compares poorly to Camden	The scheme provides a good level of cycle provision and this is discussed in the detailed considerations section of the report
<p>Comments state that conditions /S106 should consider:</p> <ul style="list-style-type: none"> • CCTV to discourage fly tipping • Contributions to local parking provision • Street planting/green spaces • Considerate construction • Brick type and colour to be scrutinized prior to construction • Carbon offset mitigation • Three new trees should be planted for each tree to be removed 	<p>It is not considered necessary or reasonable to request financial contributions for CCTV or parking provision as such contributions are not reasonably required to mitigate an impact of the development.</p> <p>The application includes sufficient landscaping and as such financial contributions are not required</p> <p>A condition requiring details of materials is recommended before above damp proof course works commence</p> <p>Carbon Offset contributions are sought</p> <p>Trees are discussed in the detailed considerations section of this report</p>
Size of development would have a detrimental impact on the infrastructure which is already overloaded	The size of the development is not as such that any particular infrastructure is required. The Community Infrastructure Levy is discussed within the detailed considerations section of this report.
<p>Building too tall and be overbearing towards the adjacent Open Space and nearby properties</p> <p>Architectural design does not relate to surrounding area and is not attractive</p>	The height and massing and design is discussed in the detailed considerations section of this report.
<p>Affordable social rent exceeds 70% recommended in local plan. A mix of affordable and other housing would ensure buildings are better cared for</p> <p>The regeneration of this deprived area can only be achieved by a mix of social and non-social housing. They could not find a reason for the decision to provide 100% social housing</p>	<p>Building maintenance and management rather than tenure split is considered to influence how the buildings are cared for.</p> <p>The proposed tenure mix looks to address an acute housing need for Affordable rented accommodation. It is not considered that the proposal is likely to result in an imbalance in the mix of tenures in the local area that would detrimentally impact the regeneration of the local area.</p>
More than half the units are single aspect with some facing north and some facing Dudden Hill Lane 'a busy thoroughfare'. It states that regardless of tenancy status residents should be able to breathe fresh air.	<p>The aspect of the units is discussed under the standard of accommodation section of the report.</p> <p>Brent's Environmental Health Team were consulted on the application and their comments and recommended conditions are contained within the detailed considerations section of this report.</p>
Renders on elevation not in keeping with red brick in the area, refers to other developments nearby. Objectors questions why one colour	A materials condition is recommended and the materials shown on the drawing are discussed in the detailed considerations section of the report.

brick is not chosen.

Positive points raised in the 'neutral' representation are summarised below:

- Existing building in poor state, it does not meet sound regulations and has no architectural interest
- Current community centre in decay and undersized. The new development will cater for an increased community centre and 26 much needed social housing that will benefit the community
- Centre seems underused and mostly used for private parties
- Proposal includes family sized housing and wheelchair accommodation
- The architecture fits the location, with massing considerate to the surroundings, respectfully lowering in height towards buildings on the High Road and materials fit the character of the area.
- The development is car-free, it was noted that this is environmentally friendly and appropriate for the area which has good public transport links, good level of cycle provision
- Cycle and refuse tucked away to the rear and shielded by a gate, comment suggests this is a good approach.
- External amenity space will benefit residents and balconies would provide natural surveillance
- Flat sizes are generous and layouts are practical.

External Consultees:

Thames Water – No objection. See informative.

Internal Consultees

Lead Local Flood Authority- The proposal falls within Flood Zone 1 which is considered to be low risk. The submitted details have been found to be satisfactory and no objections are raised.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application:

National Planning Policy Framework 2019

The London Plan 2016

Key policies include:

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities
- 3.8 - Housing Choice
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes -
- 5.2 - Minimising Carbon Dioxide emissions
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 7.2 - An inclusive environment
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Draft London Plan 2018

GG2 - Making the best use of land

H1 - Increasing Housing Supply
H2 - Small sites
H5 - Delivering affordable housing
H6 - Threshold approach to applications
H7 - Affordable housing tenure
H12 - Housing size mix

Brent Core Strategy (2010)

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP6: Design & Density in Place Shaping
CP17: Protecting and enhancing the suburban character of Brent
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
CP21: A Balanced Housing Stock
CP23: Protection of existing and provision of new Community and Cultural facilities

Brent Development Management Policies (2016)

DMP 1: Development Management General Policy
DMP 9 A: Managing Flood Risk
DMP 9 B: On Site Water Management and Surface Water Attenuation
DMP 11: Forming an Access on to a Road
DMP 12: Parking
DMP 13: Movement of Goods and Materials
DMP 15: Affordable Housing
DMP 18: Dwelling Size and Residential Outbuildings
DMP 19: Residential Amenity Space

Supplementary Planning Guidance (SPG)

SPD1: Design Guide for New Development (2018)
Mayor's Affordable Housing and Viability SPG -
Mayor's Housing SPG
Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG

DETAILED CONSIDERATIONS

Principle of Development

Replacement community centre

Cultural Significance of Community Centre

1. The Planning Statement details that "*The Learie Constantine Centre (Nos. 43-47 Dudden Hill Lane) was established in 1972, and is named after Baron Constantine, the famous West Indian cricketer, lawyer and politician who served as Trinidad's High Commissioner to the United Kingdom and became the UK's first black peer. He was a constant advocate against racial discrimination. In later life he was instrumental in the passing of the Race Relations Act in Britain. He was knighted in 1962 and made a life peer in 1969.*". Policy CP23 in Brent's Core Strategy 2010 seeks to protect existing community facilities. This proposal will include a replacement community centre measuring approximately 489sqm. The community centre will be at ground floor level, with a large, open plan hall as well as meeting rooms and a kitchen facility. The re-provision of the community space is a necessary provision in the redevelopment of the site.
2. The existing community centre measures approximately 292sqm and the proposed replacement community centres measures approximately 489sqm and as such represents a significant increase in floorspace of 197sqm. The application offers the opportunity to not only replace and significantly increase the level of community floorspace, but also would allow a better quality facility for the community. It is recognised that the existing facilities are in a poor state of repair but that the community centre is well attended. The proposed community centre includes social facilities for local community used for club activities, discos, wedding celebrations, funerals and a variety of other social gatherings, card clubs, film shows, consultation sessions and clinics.

Residential use

3. The principle of residential development in this location, immediately adjacent to neighbouring residential uses is considered to be appropriate. It will contribute towards Brent's housing targets as set out within Brent's Core Strategy and the London Plan, with all of the new units being affordable social rent, therefore meeting the needs of Brent's population.
4. This scheme represents an excellent opportunity to provide good quality affordable accommodation in a location well served by public transport and local amenities.

Residential provisions

5. London Plan Policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability.
6. Adopted DMP Policy 15 confirms the Core Strategy target (Policy CP2) that 50% of all new homes in the borough should be affordable. It states that 70% of new affordable housing should be social/affordable rented and 30% intermediate housing at affordability that meets local need.
7. The proposal would provide 26 residential units of which 25 would be provided as Affordable Housing at social rents specific to the Council's needs. The proposal therefore exceeds the 50 % target set out in policy. The ground floor unit would not be secured as an affordable unit, it is currently intended that this unit would provide caretaker accommodation in relation to the community centre. However, it would not be necessary or reasonable in planning terms to restrict the use of this property to this purpose and it could generally be provided as private housing. The affordable housing offer does not include intermediate housing and therefore does not accord with the policy requirement for 30 % of the Affordable Homes to be provided as Intermediate Accommodation. However, the housing mix is responds to a specific acute need for Affordable Rented Accommodation and the proposed tenure mix is considered to meet the strategic objective of the development plan in relation to meeting housing need. As such, it is considered that the proposal is acceptabl.
8. Policy CP21 of Brent's Core Strategy 2010 sets a borough wide target of 25% of new homes to be family sized (three bedrooms or more). A total of 26.9% of units are family sized and the development therefore accords with Policy CP21.

Unit Mix		
Type	Quantity	Percentage
1b	12	46
2b	7	27
3b	7	27
Total	26	100

Site Layout

9. The development proposes a broadly L shaped building with frontages along both Dudden Hill Lane and Villiers Road. Access to the community centre is provided via Villiers Road and entrances to the residential units are accessed via Dudden Hill Lane. The building line along Dudden Hill Lane respects the established building line and the proposed building line along Dudden Hill Lane is sufficiently set back.
10. Objections were received in relation to the siting of the entrances to the community centre and residential units. The objections stated it was more appropriate to have the residential entrances on Villiers Road and the community centre on Dudden Hill Lane. The option of having the community centre fronting

Dudden Hill Lane was explored by the applicant. The applicant stated that having the main entrance to the community centre on Villiers Road was supported by pavement being wider on this road than on Dudden Hill Lane. They also stated their desire to provide a large hall, locating this on Dudden Hill Lane would result in less much less active frontage owing to the sound insulation requirements, this is because the use of glazing increases the ease of noise transfer. The proposal includes a large proportion of the frontage along Dudden Hill Lane includes windows which are a form of active frontage that serve the ground floor community use. It is considered that the proposed location of the entrance to the community centre is acceptable.

Scale and External Appearance

11. The site is located at the junction of Dudden Hill Lane and Villiers Road. This part of Villiers Road is characterised by a combination of height, mass and architectural style. It is largely made up of two and three storey Victorian terraced properties, the exception to this is a single storey MOT garage located opposite the existing site. The west side of Dudden Hill Lane largely comprises a mix of two storey terraced Victorian properties. The character of this part of Dudden Hill is transforming and it is important note the taller buildings of varied architectural style located on the east side of Dudden Hill Lane. These include two, part three/part four buildings located on either side of Colin Road. Objections have been received that raise concerns that the height and design of the proposal is too tall and does not relate to the surrounding context.
12. The proposal comprises a part 4 storey part 5 storey building. The fifth floor is set back by approximately 1.4m from the Dudden Hill Lane and varies in setback from Villiers Road from 1m to 1.5m and over 15m from the rear elevation on Villiers Road. The proposed fifth floor is considered to be subservient to the main bulk of the building and assists in reducing the visual appearance of the top of the building. It is acknowledged that the height steps up from the adjoining existing two storey Victorian terrace, the height of the development has been stepped to bridge the differentials in height and respect the adjoining terrace. The southern side of the development would be two storeys where it adjoins the terrace and would step up to 4 storeys to the north and then includes an additional set back fifth floor. It is considered that the stepped nature of the proposal responds well to the sites context.
13. The development is stepped nature along Villiers Road with the taller elements closest Dudden Hill Lane before stepping down to four and three storeys with setback fourth storey to the rear. The proposal includes the addition of plant to the roof, although this adds bulk to the top of the building, it would not be highly visible owing to its significant set in from all boundaries. Including a setback of approximately 3m from Dudden Hill Lane and 4m from the rear most element of the fifth floor along Villiers Road. To the south side of the development there is a nominal set in from the fifth floor but the plant is set in approximately 5m from the lower fourth floor to the south.
14. In summary, the proposed height, bulk and massing in not considered to result in an adverse impact the character and appearance of the streetscene, furthermore the proposed stepped design is considered to respond well to the adjoining terrace.
15. The applicant was asked to confirm where the flue/ kitchen/odour abatement and MVHR pipes/equipment would be visible on the external building. They confirmed that these would be concealed under a box like projection that would climb up the building. This is considered an acceptable design solution. The alternative could be visually obtrusive equipment on the external building.

Density

16. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
17. London Plan Policy 3.4 includes a methodology for calculating an appropriate density, relative to the character of the setting, proximity to town centres and local public transport accessibility. The site has a size of 887sqm and the proposal is for 26 units, the site therefore achieves a density of 293 units per hectare. The floorplans indicate a total of 76 habitable rooms and the site therefore achieves 856habitable rooms per hectare.

18. In accordance with the Mayor's density matrix, the application proposes development density of 856 habitable rooms per hectare and 293 residential units per hectare. The setting of the site would most appropriately be described as 'urban' in accordance with the character setting descriptions set out in LP Policy 3.4. The density matrix indicates that optimum density for a proposal in an urban setting with a PTAL of 4-6, proposes an average of between 2.7-3 units per habitable room and between 70 and 260 units per hectare and 200 – 700 habitable rooms per hectare. This proposal is for 293 units per hectare and 856 habitable rooms per hectare, equating to an average of 2.8 habitable rooms per unit, and therefore sits outside of the suggested density range but with a form of development that is considered to be appropriate for the locality.
19. Notwithstanding the above, in line with the policies of the emerging London Plan, consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highway matters

Amenity

20. The impact on neighbours is a material consideration, and policy DMP1 seeks to ensure that this is acceptable. The development is assessed against the standards within Brent's SPD1 guidance for new developments in respect of their impact on the nearest existing residential units and the other proposed residential blocks within the development.
21. The context of the site sees residential uses to the south, formed of terraced dwellings lining Dudden Hill Lane, Villiers Road to the north of the site includes residential 2/3 storey terraced properties and residential flatted development to the east and beyond Dudden Hill Lane.

Privacy

22. The amenity impact considerations within SPD1 require that all primary habitable room windows within the property are at least 9m from the boundary with another private property, except where the view on to that property would be to a part of the property which would serve as low value amenity space (e.g. the side access around a house). All secondary habitable room windows and non-habitable room windows should be obscure glazed if they cannot achieve this standard too.
23. With regard to the adjacent terrace of two storey properties and their gardens, at ground floor there is a window located closer than 9m from the adjacent garden of number 37 Dudden Hill Lane, the plans indicate a 2m high separating fence and as such no issues of privacy are raised. The separation distances to other properties fronting adjacent roads is such that reasonable separation distances are achieved.
24. At second floor it is noted that habitable rooms that face the garden of number 37 are located approximately 6.5m away from the shared boundary and the balcony located approximately 5m away. Due to their positioning, the lower two storey element would largely obstruct their view into the neighbouring garden at number 37 Dudden Hill Lane.
25. A plan has been submitted to demonstrate that balconies would include opaque privacy screens to protect privacy between the proposed units.
26. SPD 1 states that the proposed habitable room windows should achieve a full 18m of separation from the habitable room windows of other properties (apart from street facing windows). These standards are in the interest of protecting the privacy of neighbouring occupiers, the proposed development complies with this standard.

Outlook

27. In the interest of protecting existing properties from being unduly enclosed and losing exposure to daylight, all buildings proposed should sit underneath a 45-degree line drawn from a 2m height at the nearest edge of private rear garden amenity space.
28. The applicant has submitted a drawing that indicate the 45-degree line rule prescribed above, the proposed development breaches this rule. It is though important to note that the existing outrigger located at number 39 Dudden Hill Lane (which this development would see demolished) includes an outrigger, this outrigger as existing breaches the 45-degree line. The applicant has demonstrated that although the

proposed buildings breach the 45-degree line rule that the existing outrigger breaches the 45 degree angle and that the closest two storey element of the proposed actually results in a reduced breach in terms of height. The four storey element of the building breaches the 45-degree angle line and is located some 6.5 m from the boundary. It is acknowledged that the proposed closest two storey element has an increased depth of 2m when compared to the depth of the existing outrigger, but that its overall height would be approximately 0.7m lower. The reduced height and increased depth is not considered to result in adverse impacts beyond the existing scenario.

29. On balance, given the siting and height of the existing outrigger, it is not considered that the proposed development is not considered to be materially worse than the existing situation for number 37 Dudden Hill Lane, officers consider that the development should be supported despite a technical breach of SPD1 guidance for amenity impact being present.

Daylight and Sunlight

30. The applicant has submitted a Daylight, Sunlight and Overshadowing Report. The analysis indicates that there will not be a significant impact on surrounding properties as a result of the development.
31. In line with BRE, the applicant has undertaken VSC, ADF and APSH testing to nearby surrounding buildings as well as the adjacent open space.
32. The applicant has undertaken Vertical Sky Component (VSC) Assessments for those properties that could be feasibly affected by the proposed development. Where windows fail the 27% VSC measure outlined in BRE guidance, the applicant has undertaken an Average Daylight Factor (ADF) assessment.

VSC (Vertical Sky Component) Results

33. A total of 141 windows VSC were tested, of which 120 (85.1%) comply with BRE guidance in that they retain 27% VSC or 0.8 %of the former value. A total of 21 windows (14.9%) have levels below BRE Guidance. The severity of non-compliance is important to note, 10 of the 21 windows that fail do retain 0.7% or more of their former values and therefore although the impact would be noticeable, the reduction in light is not considered to be to an extent that would warrant refusal of consent on this basis. Furthermore 4 of the windows that fall below guidelines (1089,1124,1162 & 1164) serve rooms with dual aspect with good outlook from other windows as demonstrated in Appendix H of the Daylight Sunlight Report. It is also important to note that window number 1140 is obscure glazed and this is likely to have affected the VSC result beyond the control of the development.

ADF (Average Daylight Factor) Results

34. The applicant has undertaken an Average Daylight Factor test for all rooms that failed the VSC. This would allow a more sophisticated assessment of the amount of light that would enter these rooms. Owing to some of the rooms having more than one window a total of 18 rooms were ADF tested, the results show that only one failed the target ADF score. The ADF failing room is window reference 1140 which is noted as a kitchen.
35. One window (1140) fails the ADF BRE target, the report has made the assumption that the room is a kitchen with a target of 2.0%, the subject window fails this guidance with an ADF of 1.78. BRE guidance asserts that in cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. The report applies a 2% target for this room.
36. A site visit has confirmed that window 1140 is an obscure glazed window with only the top panel of the window being openable. It is therefore considered that the existing rooms light and outlook is already hindered due to the glazing and that the proposed development in this case would not result in an unacceptable increase in impact to the living conditions of this unit

APSH (Annual Probable Sunlight Hours) Results

37. Both Winter and Summer Annual Probable Sunlight Hours (APSH) were assessed for the surrounding existing use.
38. A total of 141 surrounding windows were assessed for APSH, 88.7% (125) of windows complied with the BRE Guidance with 11.3% (16) failing to comply. With reference to Winter compliance, 98.6% (139)

comply and 1.4 % (2) fail.

39. Of the 141 surrounding windows assessed only two which are not north facing (window reference 1142 and 1146) have failed to meet the BR 209 guidance on reduction of sunlight. It is important to note that these two windows are very close to the proposed development, are mostly east facing and are already obstructed by existing buildings which make it harder for them to achieve sunlight.
40. Window 1142 on the ground floor has additional windows (not assessed due to orientation relative to the proposed building) increasing the potential to achieve better levels of sunlight.

Impact to existing surrounding gardens and open space:

41. Paragraph 6.27 refers to the impact to nearby private gardens of Chaplin Road and Dudden Hill Lane. It states that it is unnecessary to undertake an assessment of the impact to these gardens due to the distance from the site and the fact that they sit south of the development site. This approach is agreed.
42. The open space located immediately east to the site has been assessed, the results show that it would not be adversely overshadowed with the development. The submitted daylight/sunlight report demonstrates that 96.86% of the public play space receives at least two hours of sunlight on the 21st March and is therefore compliant with the BRE guidance which states that at least half of the areas should retain two hours of sunlight on this date.
43. In summary it is acknowledged that one window (1140) fails the ADF BRE target, the report has made the assumption that the room is a kitchen with a target of 2.0%, the subject window fails this guidance with an ADF of 1.78. Window 1140 is an obscure glazed window with the top part of the window being openable. The report identifies this room as a kitchen which is not considered to form a habitable living area. With the exception of this window the submitted report demonstrates that the development would not have a significant impact on surrounding properties as a result of the development.

Noise and Disturbance

44. The size and potential capacity of the community centre and proximity to residential uses is such that the comings and goings and dispersal of people may give rise to noise and disturbance. A condition is therefore recommended to restrict operational hours of the D1 use to between 08:00 to 23:00 Sunday to Thursday and 08:00 to 01:00am Friday to Saturday.

Accessibility

45. London Plan Policy 3.8 requires 90% of new housing to meet Building Regulation requirement M4 (2) "accessible and adaptable dwellings". It also requires 10% of new housing to meet the Building Regulation requirement M4(3) "wheelchair user dwellings", Three flats have been designed to comply with building regulation M4 (3), which complies with the required 10%. A condition ensuring compliance with the relevant building regulations is recommended.

Standard of Accommodation

46. The table below demonstrates the quality of accommodation proposed by home: All but one home (Unit 24) complies with the minimum space standards outlined in Table 3.5 of the London Plan. The floorspace within this home is only 1 sqm under the relevant standard and the shortfall is not considered to result in a poor standard of accommodation.
47. SPD 1 (2018) and the Mayors Housing SPG asserts that development must maximise dual aspect homes and normally avoid single aspect dwellings. Almost half of the units (12) provide dual aspect accommodation. Of the 14 units that are single aspect six would be north facing and it is noted that they mostly (4 units) serve 1b2p units and two north facing units serve 2 bed units. While the proportion of single aspect units is relatively high, this is considered to reflect the site layout and constraints, and is considered to be acceptable.
48. An overheating risk assessment was submitted with the application. It identified areas at risk of overheating but has not fixed the final details of a set of suggested mitigation measures. A revised report

was therefore requested, this identified mitigation measures required to mitigate overheating, namely (but not limited to), opaque lower glazed panels to affected windows and external shading. The overheating strategy identifies those affected windows, the opaque panels and provides indicative drawings of shading/birse soleil, as well as a roof overhang to the top floor to provide shading would provide some mitigation. The revised report provides indicative illustrations of the proposed mitigation, the mitigation is not considered to result in significant changes to the external appearance of the building and as such re-consultation is not considered necessary.

49. A condition would be recommended for a revised overheating strategy to clarify all proposed measures and to provide scaled drawings/ details of materials for the proposed mitigation measures. These details shall be submitted and approved by the Local Planning Authority prior to above ground works.

Private Amenity Space

50. Policy DMP 19 relates to the provision of residential amenity space, it states that all new dwellings will be required to have external amenity space of sufficient size and type. It states that this is normally expected to be 20sqm per 1-2 bedroom homes and 50 sqm for family (3+ bedroom) homes. It is specified that where there is a shortfall in private amenity space, this should be made up through the provision of external amenity space. However, the proximity to public open space can be a mitigating factor which can be considered. All of the family units provide balconies that measure at least 7sqm in line with standard 25 of Mayor's Housing SPG. This means that the family units fall short of Brent's 50sqm prescribed in DMP 19 by up to 43 sqm. All other units (with the exception of the ground floor one-bedroom unit) provide private balconies that comply with Standard 26 of The Housing SPG (2016) relative to their size (5 sqm for a 1-bedroom, 6-7 sqm for a 2-bedroom), however when considering the 20 sqm prescribed by DMP 19, there is an average shortfall of 13.6 sqm per unit. No communal amenity space is proposed to mitigate this shortfall. However, a public open space with children's play equipment, which is open during the day borders the east of the site. The entrance to the open space is located less than 50m from the east boundary of the site as such.
51. As discussed above, the ground floor one bed one-person unit does fall below the standard in terms of usable external amenity space. However, the proximity of the public open space is considered sufficient in this instance to mitigate this shortfall.
52. The proposal falls short of the Council's standards for external amenity space as set out within Policy DMP19. However, the proximity to the public open space is considered to be a mitigating factor and in this instance the proposal provision of external amenity space below DMP19 levels and in the instance of the ground floor flat, below the Mayor's Housing SPG levels is considered to be acceptable.

Play Space

53. GLA guidance seeks a quantum of play space in accordance with the likely child yield of the development, as calculated through the number/size of units and their proposed tenure. The GLA child yield calculator illustrates that the development would have a child yield of 23, the calculator identifies a play space requirement of 230m². The development does not propose any on site play space. In this circumstance given the proximity of the Learie Constantine Open Space which includes play equipment for children, sufficient play facilities are available within an appropriate proximity to the development.

Transport Considerations

54. It is noted that objections were received raising concerns that the development would result in pressure to the local parking conditions and in particular outside the operational hours restricted by the Controlled Parking Zone.

Parking

55. Car parking standards set out in the adopted Development Management Policies only allow off-street parking for the community centre if justified through a Transport Assessment. The existing car park for the centre is therefore beyond current parking standards and its removal to accommodate the new centre is supported in this accessible location.

56. As the site has very good access to public transport services, the lower residential car parking allowances set out at Table 6 in Appendix 1 of the adopted DMP 2016 apply. Up to 22 spaces would therefore be allowed for the 26 proposed flats, the absence of any parking for the flats therefore complies with maximum standards.
57. However, Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. There is not sufficient spare parking capacity to safely accommodate parking from this development on-street.
58. To mitigate this, Policy DMP12 does encourage 'car-free' developments in areas with good access to public transport. As a CPZ is already in operation, it is recommended that the flats be made subject to a 'car-free' agreement. This has been accepted by the applicant and a condition to this effect is recommended. The applicant is required to notify all prospective residents of the car-free status of the flats. Disabled Blue Badge holders would be exempt from the agreement and would be able to use bays in Villiers Road. Some objectors have cited concern that the local CPZ only controls on-street parking during specific hours. While this is the case and parking could occur outside of these hours, the use of parking permit restrictions have been successful elsewhere in mitigating the impact of overspill parking. Should impacts occur, the hour of operation of the CPZ could be reviewed by the Council in the capacity as the Local Highway Authority.
59. The submitted Transport Assessment was reviewed. The additional trip generation associated with the proposal is not considered likely to result in significant additional highway impact.
60. Given the modest scale of the development and the absence of on-site parking, a Travel Plan Statement of intent is sufficient and there is no need to undertake the on-going monitoring surveys. A condition is recommended to require implementation of the Travel Plan is therefore fine.

Cycle Provision

61. The London Plan requires at least 40 secure bicycle parking spaces for the flats and an internal store for 47 bicycles has been indicated to meet this requirement. Two further bicycle stands (four spaces) are also shown on the Villiers Road frontage to cater for community centre visitors, which are welcomed.

Refuse Provision

62. Adequate bin storage (27 wheeled bins) are proposed to the front of the site allowing easy access from Dudden Hill Lane for refuse collection staff. Other deliveries are able to take place from the single-yellow line in Villiers Road.

Other matters

63. As vehicular access to the site will no longer be required, the existing crossover to the car park will need to be removed and reinstated to footway at the developer's expense prior to occupation of the building. A condition to this effect is therefore recommended.

Sustainability

64. The applicant has included an Energy and Sustainability Statement; PV Panels have been identified and the report has included indicative areas on the roof that could be covered. A condition requiring detailed drawings is therefore recommended. Although rainwater harvesting is not proposed, the proposal includes the addition for green roofs. It is considered that the sustainability measures are sufficient. Objections have been received in regard to the sustainability of the development, stating that the development should have taken the opportunity to include PV Panels and rainwater harvesting. These matters are addressed within the submission.
65. The submitted energy statement indicates that a financial contribution of £21,795 is required as a carbon offset contribution. The offset payment shall cover a 30-year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment will be secured through a condition to any forthcoming consent. With the modelling provided, a payment of £21,795 would be secured for this purpose.
66. Brent's Sustainability Officer was consulted on the application and raised no objection to the proposed development.

Environmental Health

Noise

67. The development proposes the erection of residential apartments and commercial uses next to existing commercial and residential uses. The application was accompanied by a noise assessment by SRL ref 1886A-T01A dated 11/12/18. The report was assessed by Brent's Environmental Health Team who were satisfied with the report in terms of the specification for the flats and the glazing and ventilation, stating that it should be installed as per Figure 1 to ensure that internal noise levels as recommended in the report can be achieved.
68. A condition restricting noise output from plant and ancillary equipment has been recommended by Brent's Environmental Health Team, to protect residential amenity of the proposed and existing surrounding residential uses.
69. The details regarding music noise level for the community centre have also been reviewed. There is information provided on the proposed ventilation system to be installed in the main hall of the community centre (within the ventilation statement) therefore doors and windows can be kept closed when music is being played, however the SRL report does suggest that the music level is low for entertainment purposes and therefore further sound insulation would be required if the noise levels were to be increased. As such Brent's Environmental Health Team have recommended a condition requiring the submission of sound insulation measures.

Air Quality

70. The proposed site is within an air quality management area and therefore the applicant submitted an air quality assessment with the application. This assessment; HRS Project ref 130669 dated 21/1/19 advised that mitigation measures will be required to ensure that future residents are not exposed to poor air quality within the area, however there were no specific details of the full extent of the mitigation measures to be installed. Furthermore, the submitted Air Quality Assessment illustrated that the originally submitted Air Quality Assessment showed that ADMS predictions for annual mean NO₂ concentrations in 2016 and 2022 indicated that the annual mean objective (40 µg/m³) would not be achieved at all modelled receptor locations closest to the A4088 on the ground and first floor. Other modelled locations on all floors nearest the A4088 are below annual mean objective (40 µg/m³).
71. A revised Air Quality Assessment (Air Quality Assessment Ref: 130669 Rev 2.1, prepared by HRS Services Limited dated 12/09/2019) was submitted along with a supporting air quality note (Covering Letter prepared by Stroma, dated 12/09/2019, prepared by Stroma). This further information confirmed that the short term objective for NO₂ will not be exceeded. However, at a number of residential locations on the ground and first floor, the annual mean objective for NO₂ would not be met. Based on the above, the air quality report identified that air handling units fitted with NO_x filters would be installed (Flats 1-6) and draw in air from locations at the development where air quality is below the annual mean objective. It was confirmed that the efficiency of the NO_x filters when included within the Mechanical Ventilation Heat Recovery (MVHR) system is typically around 80-90% depending on the provider. As such using the typical efficiency rating of the filters, it can be assumed that the worst case result would be in flat 1 where the internal air could be around 10 – 11 µg/m³ compared to the predicted external NO₂ concentrations of 53 µg/m³. As such the windows and balcony doors would have to remain open a considerable amount of time (approximately 80%) in order for the air quality concentrations within the development to breach the annual mean objective. Given the climatic conditions at the proposed development, the amount of time that windows are generally opened is far more limited and this level of use is considered very unlikely, which would ensure acceptable air quality standards for the future occupiers.
72. The MVHR system would incorporate openable windows and would operate 24 hours every day, it would have a positive pressure in reference to the external environment. On this basis influx of external air during episode of purge ventilation in the summer is unlikely to be significant. Exposure would be over the annual mean air quality objective if the occupants were to remain on the balcony for extended periods of time in flats 1 -6 (i.e sleeping on them) and not use the balconies for short term recreational purposes.
73. In summary whilst the annual mean objective for NO₂ will be breached at certain locations in the proposed development, the inclusion of NO_x filters will ensure that internal air quality would be below the objective. Furthermore, it is considered unlikely that the short term objective for NO₂ will also be breached at the proposed development.
74. These documents were reviewed by Brent's Environmental Health Department who raised no objection to

the development provided the mitigation measures outlined in the revised air quality report are adhered to. A condition recommending compliance with this report would be recommended. A further prior to occupation condition, requiring the applicant to submit a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment has been implemented. The report would be subject to the approval of the Local Planning Authority.

75. In the interest of protecting local air quality, an Air Quality Neutral Assessment must be undertaken in accordance with guidance published by the Greater London Authority (GLA) and submitted to the Local Planning Authority for approval, prior to above ground works. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral.

Construction, Noise and Dust:

76. The development is within an Air Quality Management Area and located very close to other commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Environmental Health have therefore recommended a condition requiring the submission of a Construction Method Statement to control dust, noise and other environmental impacts of the development.

Contaminated Land

77. The site to be redeveloped has been identified as previously contaminated. A Soil Technics Preliminary Investigation Report has been submitted and this concludes that further site investigation works are required. Conditions requiring the investigation, remediation and verification have been recommended.

Lighting

81. The proposal is for the commercial units to be within the same development as the residential units therefore there could be issues with lighting from the commercial premises impacting on the residential use. Therefore, details of any external lighting are recommended to be secured through condition.

Odour

82. The applicant has submitted an odour assessment (Air Quality Assessments Limited odour risk assessment ref J0286/1/F1 dated 25/1/19). This has been assessed by Brent's Environmental Health Team and is accepted, provided the extraction system is installed as per this assessment then no conditions are required in terms of odour control.

Flooding and Drainage

83. The Lead Local Flood Authority (LLFA) were consulted on the proposed development. The site is located entirely within Flood Zone 1. The site is classified as 'More Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance (offices). In accordance with Table 3 of the Planning and Practice Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1. The applicant has proposed to use of green roof and geocellular attenuation.

84. The LLFA raised no objection to the proposed development and it is considered to be acceptable in terms of flood risk and SUDS.

85. Thames Water were consulted on the application and raised no objection to the proposed development.

Trees and Landscaping

86. An Arboricultural Impact Assessment, Method Statement and Landscaping Plan were submitted in support of the application. These documents were reviewed by the Council's Tree Officer who was satisfied with the details.

87. There are no Tree Preservation Orders on or within close proximity to the site. The report identified 8 trees that could be feasibly affected by the development, three Category B Trees (T4, 5 & 7) and 5 (T1, 2,3,6 & 7) Category C trees were identified. The report recommends that three trees (T2, 3 & 4) would need to be removed in order to facilitate development and outlines mitigation measures to protect those retained trees

during construction.

88. A scheme of soft landscaping has been submitted which includes tree planting details to address the loss of three street trees in terms of visual amenity within the streetscene.

89. The tree selection comprises two globe cherry *Prunus fruticosa* 'Globosa' trees to be planted along the road frontage in the same locations as T3 and T4 which would be set within new small areas of grass. The loss of the three street trees on Villers Road, is considered to be adequately mitigated with the addition of soft landscaping and two new trees to Villers Road.

Ecology

90. A Preliminary Roost Assessment prepared by The Ecology Consultancy dated 21/01/2019 was submitted. The Report determined the status of bats and likely constraints. Paragraph 5.3 asserts that no external features were identified for bat roost, but it also states that internal inspections in loft voids could not be inspected. The report recommended that an internal survey/inspection for loft voids of 39-41 Dudden Hill Lane. Alternatively, a single dusk emergence survey would be required prior to commencement of works to ensure legal compliance. It outlines the Time of survey must be between May – August.

91. The applicant was advised of that this survey would be a pre- commencement condition and later provided a Bat Surveys Report (V2.0 dated 12/07/2019). This report provided the results of a single dusk emergence survey undertaken on 10/07/2019. This report and the results of the dusk emergence survey concluded that there were no bats recorded emerging from the buildings or recorded using the site and adjacent environs for foraging or commuting. It recommended that the proposed development is unlikely to result in the loss of any bat roosts, or have any impact on commuting and foraging bats, and that a European Protected Species Mitigation (EPSM) licence will not be required.

Fire Safety

92. An outline fire strategy has been submitted alongside the application. Although fire safety is covered under building regulations, the Council recommends that the maximum standards for fire safety are achieved within the development.

93. Fire appliances will be able to stand on Villers Road or Dudden Hill Lane when accessing the site, but as some flats on the upper floors would be beyond 45m hose distance, a dry riser is proposed within the building.

CIL

94. The development is CIL liable, however the housing within the scheme that would be secured as affordable housing would be eligible for relief on CIL payment. This relief must be proactively applied for by the developer and agreed with the Local Planning Authority prior to being given.

95. The community centre component of the scheme is floor space within the D1 use class. Brent's CIL charging schedule specifies a zero charge on D1 floor space, however the Mayor's CIL charging schedule specifies (as of April 1st 2019) a £60/sqm charge on all non-health/education floor space, including that in the D1 use class. As such, subject to relief being applied for and given on the residential floor space, the scheme will only be liable for CIL payment to the Mayor in relation to the new D1 floorspace.

Equalities

96. 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

97. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal materially accords with the development plan having regard to material planning considerations. It is recommended that planning permission is approved subject to conditions.

CIL DETAILS

This application is liable to pay **£689,656.63** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): 568.44 sq. m.

Total amount of floorspace on completion (G): 2829.45 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	2340.45		1870.25	£200.00	£0.00	£551,056.01	£0.00
(Brent) Non-residential institutions	489		390.76	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	2340.45		1870.25	£0.00	£60.00	£0.00	£114,646.95
(Mayoral) Non-residential institutions	489		390.76	£0.00	£60.00	£0.00	£23,953.67

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	330	
TOTAL CHARGEABLE AMOUNT	£551,056.01	£138,600.62

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

**Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 19/1095

To: Mr Gray
living-architects
living-architects
14 Linen House
253 Kilburn Lane
London
W10 4BQ

I refer to your application dated **21/03/2019** proposing the following:

Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, and associated landscaping.

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

at **39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10**

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: 07/10/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Preliminary Roost Assessment prepared by The Ecology Consultancy dated 21/01/2019, Sustainability Statement Reference LEC2972/R04, Energy Statement Reference LEC2972/R04, Transport Statement Reference: B070367 Revision 01 05 March 2019, Ventilation Statement Version 001, prepared by WBS Consultant Engineers March 2019, Arboricultural Impact Assessment and Method Statement prepared by The Ecology Consultancy, Pre-Assessment Report prepared by Ingleton Wood dated 20th November 2018, Daylight and Sunlight Assessment Report Reference: 130669 DLSL4 prepared by Stoma Built Environment dated 18/07/2019, Daylight Factor Report Ref: LEC2972 prepared by Low Energy Consultancy Ltd, Flood Risk Assessment prepared by G30 Consulting, WDC -XX-00-DR—LA-0001 Revision P01 – Landscaping, Noise Impact Assessment prepared by SRL 11th December 2018, Odour Risk Assessment Reference: J0286/1/F1, Preliminary Ecological Appraisal prepared by The Ecology Consultancy, Learie Constantine Centre, 39-47 Dudden Hill Lane, Willesden Bat Surveys Report for Willmott Dixon prepared by The Ecology Consultancy, V2.0 dated 12/07/2019, Preliminary Investigation Report prepared by Soiltechnics Reference STQ4614-P01, Letter from ENVIRON Dated 03 October 2013 Reference MI/LUK1119178_1 – Villiers Road Soil Validation Testing, Planning Statement prepared by living-architects Reference: LCC-LIV-XX-00-RP-0002 P02 Rev 7 March 2019, LCC-LIV-ZZ-XX-SU-Z4-0421 Rev A 0 Topographical Survey, Draft for Comment Archaeological Desk-Based Assessment Ref:L 2526/RvKM prepared by Cgms Heritage dated January 2019, Interim Travel Plan Ref: B070367.000 Rev 01 dated 12 March 2019 prepared by Curtins, LCC-LIV-ZZ-XX-SU-Z4-0422, BCC 979-X01, LCC-CON-ZZ-00-DR-C-0001 Rev 03, LCC-CON-ZZ-XX-DR-C-0300 REV P01 - Drainage Details Sheet 1 of 2, LCC-CON-ZZ-XX-DR-C-0301 REV P01 – Drainage Details Sheet 2 of 2, LCC-LIV-XX-00-DR-A-1001 REV P14, LCC-LIV-XX-01-DR-A-1001 REV P12, LCC-LIV-XX-02-DR-A-1001 REV P12, LCC-LIV-XX-03-DR-A-1001 REV P12, LCC-LIV-XX-04-DR-A-1001 REV P13, LCC-LIV-XX-05-DR-A-1001 REV P7, LCC-LIV-XX-RF-DR-A-1001 REV P12, LCC-LIV-XX-XX-DR-A-1101 REV P11, LCC-LIV-XX-XX-DR-A-1102 REV P13, LCC-LIV-XX-XX-DR-A-1201 REV P10, LCC-LIV-XX-XX-DR-A-1300 REV P02, LCC-LIV-ZZ-XX-SU-Z4-0423, LCC-LIV-XX-00-RP-A-0001 REV P02 – D&A March 2019 – Design & Access Statement, Air Quality Assessment Ref: 130669 Rev 2.1, prepared by HRS Services Limited dated 12/09/2019, Covering Letter prepared by Stroma, dated 12/09/2019, prepared by Stroma

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

- 3 With the exception of the ground floor residential unit the development hereby approved shall be implemented and maintained for the lifetime of the development as 100% affordable rented housing (at rents up to 80% of the market rents and capped at Local Housing Allowance rates, inclusive of service charge, intended for households who cannot afford housing at market rates) and LB Brent will have the right to nominate people to be housed in the whole of the affordable housing development, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to this scheme being 100% affordable when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 4 The community centre facilities hereby permitted shall only be used for community events and community activities and for no other purposes within Class D1 of the schedule to the Use Classes Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the use remains appropriate for the site location and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved.

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

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

- 6 The approved cycle storage facilities and bin storage facilities shall be installed and made available for use prior to first 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.

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

- 7 The buildings 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.

- 8 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 3.8.

- 9 No part of the development shall be occupied until details of the Landscaping including tree

planting have been carried out in accordance with the approved plans.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development.

- 10 The operational hours of the D1 use hereby approved shall be restricted between the following hours unless otherwise agreed in writing by the Local Planning Authority:

08:00 to 23.00 Sunday to Thursday

08:00 to 01.00am Friday to Saturday

Reason: To protect the neighbouring amenity from adverse disturbance.

- 11 (a) No development shall commence on site until a Training & Employment Plan has been submitted to and approved in writing by the Local Planning Authority which shall include but not be limited to the following:

- (i) the details of the Training & Employment Co-ordinator;
- (ii) a methodology for meeting the Training & Employment Targets and the Training & Employment Reporting Schedule;
- (iii) a commitment to offer an interview to any job applicant who is a resident in Brent provided that they meet the minimum criteria for the particular job

The approved Training and Employment Plan shall be implemented throughout the construction phases of the development for the lifetime of the construction of the Development.

(b) The new community centre hereby approved shall not be occupied until the Training & Employment Verification Report has been submitted to and approved in writing by the Council.

Reason: In the interest of providing local employment opportunities.

Pre-commencement reason: part (a) of the condition seeks to exercise control over training and employment of Brent residents throughout the construction phase of the development and therefore needs to be discharged prior to construction.

- 12 Prior to the commencement of the development a Construction 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 approved statement shall be implemented throughout the duration of construction.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.

(g) the use of demolition equipment that minimises the creation of dust.

Non Road Mobile Machinery

Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM.

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

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

- 13 Prior to the commencement of works the applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the above Energy Assessment.

No later than two months after practical completion of the development an Energy Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the review of the Energy Assessment.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.2.

- 14 Prior to the commencement of construction works (excluding demolition of the existing building on site), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.6

- 15 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 the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the residential amenity of nearby properties.

- 16 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, 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. The written report is subject to the approval in writing of the Local Planning Authority.

(b)Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

17 Contaminated Land Condition 2: Remediation and verification

Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 18 Prior to commencement of works above ground level, details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- 19 Prior to commencement of works above ground level, a revised Overheating Risk Assessment and Mitigation Strategy with detailed drawings to scale and materials for all external work including mitigating solar shading and opaque glazing shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- 20 No development above ground level shall commence until the developer has entered into an agreement with the Local Highways Authority to carry out the following works:

(i) require the developer to fund the cost of the removal of the redundant crossover to the site and its reinstatement to footway prior to occupation of the development;

The development shall not be occupied until evidence that the abovementioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment to connect the development with its surroundings.

- 21 Within six months of commencement of the development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area.

- 22 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed buildings shall be submitted to and

approved in writing by the Local Planning Authority.

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

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

- 23 The tree protection measures as set out within the submitted Arboricultural Impact Assessment and Method Statement prepared by The Ecology Consultancy shall be adhered to through all stages of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired.

- 24 Prior to the occupation of the development a Nominations Agreement to define nominations criteria and arrangements shall be entered into with the Council, and submitted to and approved in writing by the Local Planning Authority. The Nominations Agreement will set out the policies and procedures for the nomination by the Council of prospective tenants to the development and shall be implemented on occupation and shall remain in effect for the lifetime of the development.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to this scheme being 100% affordable when reaching a decision, and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 25 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the 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. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby of each building, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In 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.

- 26 Prior to first occupation of the development hereby approved details of a communal television aerial and satellite dish system for each of the three buildings linking to all residential units within the development, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. No further television aerial or satellite dishes shall be erected on the premises.

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

- 27 The development and operations of the site must be carried out in accordance with the submitted Travel Plan: Interim Travel Plan Ref : B070367.000 Rev 01 dated 12 March 2019 prepared by Curtins.

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

- 28 Prior to use of the community centre hereby approved, a scheme of sound insulation measures shall be submitted to the Local Planning Authority for approval. The insulation shall be designed so that noise from the community centre operation does not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats above the community centre. This criterion applies with windows shut and with an appropriate ventilation system that does not give rise to a noise level greater than 30dB(A) at night or 35dB during the day or a sound level in any 1/3 octave band in the range 50Hz to 8kHz that is more than 5dB above immediate adjacent 1/3 octave bands. The approved insulation measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2.

- 29 Prior to the occupation of any part of the development, the applicant shall submit a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment and Document (Air Quality Assessment Ref: 130669 Rev 2.1, prepared by HRS Services Limited dated 12/09/2019) have been implemented. The report is subject to the approval of the Local Planning Authority.

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

- 30 An Air Quality Neutral Assessment must be undertaken in accordance with guidance published by the Greater London Authority (GLA) and submitted to the Local Planning Authority for approval. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral.

Reason: To protect local air quality.

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.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 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.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the

development.

- 6 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 7 Thames Water advise the applicant that if they 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.
- 8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500