

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
07  
19/0834

## SITE INFORMATION

RECEIVED	5 March, 2019
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	162 Willesden Lane, Kilburn, London, NW6 7PQ
PROPOSAL	Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained flats with associated car parking, cycle storage and landscaping.
PLAN NO'S	see Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144244">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144244</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/0834" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

To resolve to grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement, and the conditions and informatives recommended in this report, and to delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer.

A. That the Committee resolve the GRANT of planning permission subject to:

1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
2. Notice of commencement of works
3. The securing of the one affordable unit (LG.5) together with financial contribution
4. Post-implementation viability review
5. Training and employment
6. Carbon offsetting contribution of £13,554.00 towards achieving a zero carbon development based upon the carbon reduction measures set out in the Energy & Sustainability Statement dated 6th August 2019.
7. Considerate Constructors Scheme

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

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

1. Time Limited Permission
2. Approved Plans
3. Details of Materials
4. No External Plant or Fittings
5. Accessible / Adaptable Dwellings
6. Restriction of Change of Use to C4
7. Non-Road Mobile Machinery
8. Noise
9. Air Quality Neutral
10. Details of External Lighting
11. Parking/Serviceing
12. Construction Methodology/Traffic Management Plan
13. Construction Waste Management Plan
14. Details of Zero / Low Carbon Technologies
15. Water Efficiency
16. SUDS1
17. SUDS2
18. Tree Protection
19. Nesting Birds
20. Arboricultural Site Supervision
21. Soft and Hard Landscaping
22. Bird Boxes
23. Satellite Dish/TV Antenna

D. Informatives as detailed at the end of this of this report.

E. 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 not that such change(s) could reasonably have led to a different decision having been reached by the committee.

F. That, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning is delegated authority to refuse

planning permission.

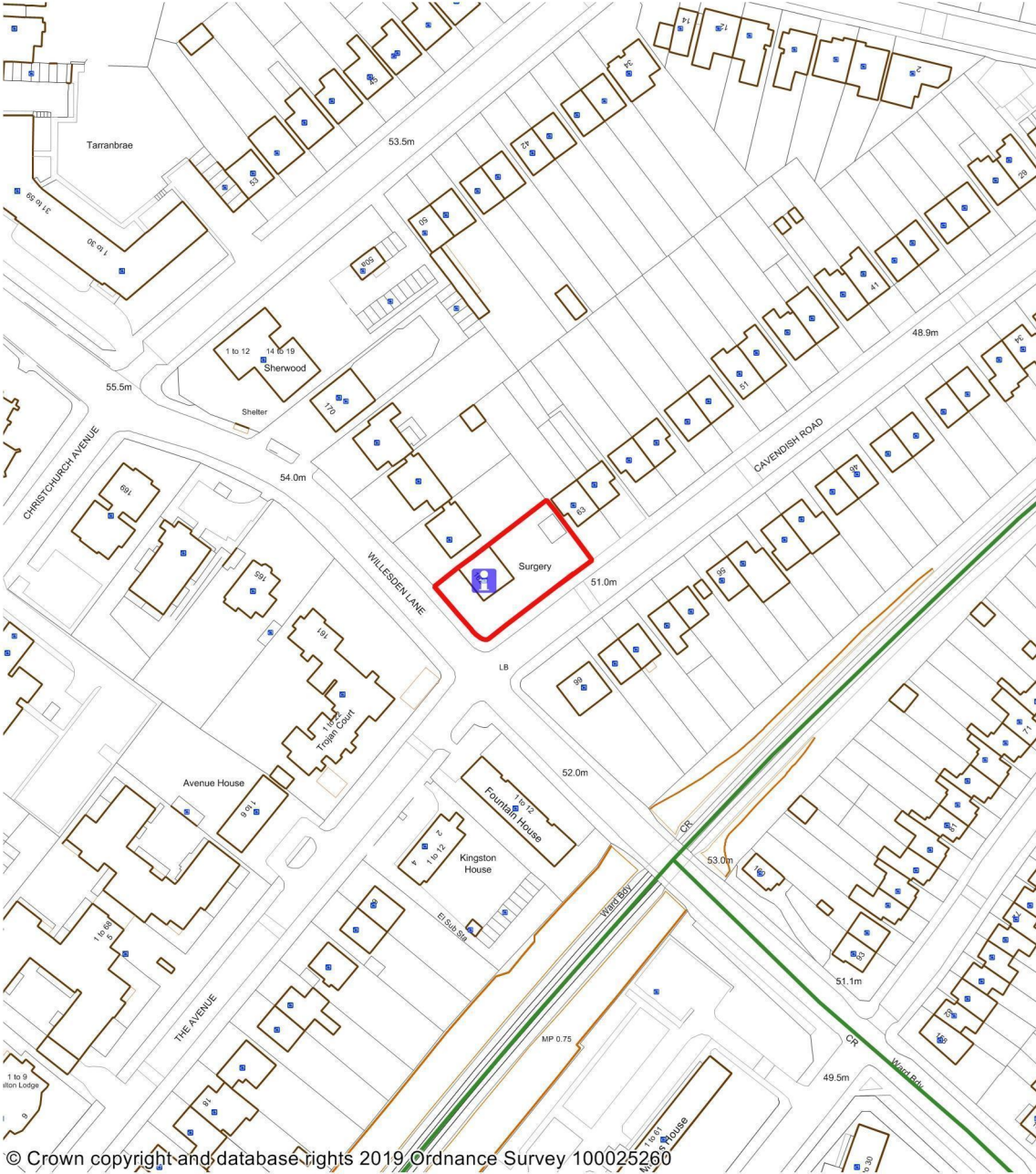
# SITE MAP



## Planning Committee Map

Site address: 162 Willesden Lane, Kilburn, London, NW6 7PQ

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This map is indicative only.

## PROPOSAL IN DETAIL

Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained dwellings (2 x 1-bed, 10 x 2-bed and 6 x 3-bed), with associated car parking, cycle storage and landscaping.

The proposed building will have a maximum width along its Willesden Lane frontage of approximately 19m, and extending along its Cavendish Road frontage of approximately 28m. The maximum height above ground level will be approximately 14m, stepping down to 12.6m near to 61-63 Cavendish Road.

The main pedestrian entrance will be via Cavendish Road, along a centrally positioned entrance, however the two duplex dwellings located at the eastern end of the building, will each be provided with their own entrances.

Vehicular access from Cavendish Road will be maintained, leading to a disabled person's parking space, with a turning head located near to the vehicle entrance. Cycle parking is proposed within the basement for x36 bicycles.

## EXISTING

An existing detached, three-storey building located on the corner of Willesden Lane and Cavendish Road. The building, similar to other buildings in the area, has a lower ground floor level, and benefits from the conversion into 10 units.

The building is sited on the common boundary with No.164 Willesden Lane to the north, with existing pedestrian access onto Willesden Lane but vehicular access off Cavendish Road, near to the common boundary with No.63 Cavendish Road to the east, and hardstanding which extends up to the boundary with 164 Willesden Lane. A high brick-built boundary wall encloses the site.

The site benefits from a significant level of vegetation coverage, which provides a substantial amount of screening of the building from the highway.

The surrounding area is residential in character, with buildings of a similar scale. Directly opposite (No.161 Willesden Lane) is a locally listed building.

## AMENDMENTS SINCE SUBMISSION

The following amendments have been made since the original submission:

- Room layouts amended to ensure all comply with the Technical Standards
- Rooftop amenity space amended
- Lighter parapet material provided away from corner element to make corner more prominent
- PV panels added
- Kitchens/Living/Dining rooms within proposed maisonettes moved to upper ground floor level, with direct access to amenity space
- One lower ground floor unit removed and replaced by the cycle store previously proposed in the basement and basement reduced in size to only accommodate a plant room with stair and lift access
- Lower ground floor amenity space for unit LG5 enlarged to 40sqm (from 14sqm)
- The creation of an additional maisonette

## SUMMARY OF KEY ISSUES

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

- a. **Principle:** The existing building is in use as 10 Flats and is an area characterised by residential

development. Therefore, the principle of redevelopment for residential purposes is acceptable. In addition, it would result in the provision of additional housing to help meet borough and London targets.

- b. **Heritage Assets:** The development site, whilst not occupied by a listed building or within a Conservation Area, is near to two locally listed buildings, (Trojan Court No.161 Willesden Lane and 167 Willesden Lane) and a grade II listed church (Christ Church). The development has been assessed against these undesignated and designated heritage assets and it has been concluded that there is no harm to the setting or significance of any of them.
- c. **Affordable Housing:** The development is proposing one unit (5.6%) for on-site affordable housing provision plus an off-site contribution of £99,532. This offer has been tested independently and it is concluded that this is the maximum reasonable amount which can be made. In addition, because the offer is not Policy compliant, it will be subject to a post-implementation review.
- d. **Design:** The overall design is considered acceptable as it is considered to have appropriate regard to the surrounding development and will offer residents an acceptable level of accommodation.
- e. **Scale/Bulk/Neighbour Impact:** The overall scale and bulk of the building is greater than the existing building, however it has been designed to comply with adopted standards to ensure sufficient space is retained around the building and to neighbouring properties.

## RELEVANT SITE HISTORY

18/0188/PRE - Demolition of the existing property containing 10 self-contained flats and replacement with a purpose built block of 21 flats. The principle of the redevelopment of the site for residential purposes is accepted. Concerns raised in relation to the design, size, scale, bulk, and the resulting impact on neighbouring occupiers and the streetscene, amenity space, the loss of vegetation in general (and the impact on TPO'd trees)

## CONSULTATIONS

### Environmental Health

It has been advised that in relation to air quality, the submitted Assessments are acceptable and it is agreed that air quality should not be a constraint. Conditions in relation to air quality are not necessary provided the development remains car free and the heating is through air-to-water heat pumps.

### Heritage Officer

It has been advised that although not within a conservation area, the street has substantial villas and has been identified for future designation, therefore comments provided are made with this in mind. No objections are raised subject to a review of the parapet on the tower element which could perhaps be omitted. The overall design, appearance, layout and materials is considered acceptable.

### Tree Officer

Whilst there are no objections to the development, the following points are made:

- Even category C trees (of low quality) when growing in linear boundary groups as found on this site provide considerable visual and ecological amenity at a local level.
- The overgrown nature of the site provides a number of albeit temporary habitats for a range of biodiversity.
- It would be almost impossible and undesirable to retain the current tree stock in any reasonable shape or form. Therefore, I welcome the tree planting proposals but suggest that a few of the species are changed and that perhaps the sizes are reduced slightly in order to guarantee establishment.
- Clarification on the retention of the two protected Lime trees, identified in the report as T1 and T2 is required. If either T1 or T2 is to be removed, I suggest it is replaced with a semi-mature tree such as a *Carpinus betulus* 'Frans Fontaine', but not a Lime. If T1 and T2 are to remain, I would expect the proposed tree protection plan and construction methodology to be imposed as a condition.
- A full landscape and management plan to include planting pit details and soil volumes to ensure that

- all new planting realises its full potential is required.
- I agree with all other tree protection specification including the hoarding around our two street trees, T14 and T15.

### Sustainability Officer

Conditions should be imposed to ensure that the air source heat pump, pv panels, and overheating reduction measures are provided. In addition, a noise assessment should be provided for the heat pump.

### Thames Water

It is advised that with regard to the water network and water treatment infrastructure capacity, together with the waste water network and waste water process infrastructure capacity, no objections are raised.

### **Public Consultation**

Letters were sent to the occupiers of 284 neighbouring and nearby properties in addition to site publicity. Eleven letters of objection were received and 1 petition against the scheme. Objectors raised some or all of the following comments:

<b><u>Comment</u></b>	<b><u>Response</u></b>
<b>Heritage Matters</b>	
Potential extension of Brondesbury Conservation Area to include this site. The council should strive to maintain original features as it is close to the Conservation Area	A potential extension of the CA has not yet been consulted on therefore it is not a material planning consideration. However, the application has been assessed against nearby heritage assets. Please see the Heritage section of this Report
<b>Design Matters</b>	
Too big for the footprint of the site	The proposed development is considered to be of an acceptable design and scale. Please see the Design section of this Report
It will dwarf neighbours and look out of place	The proposed development is considered to be of an acceptable design and scale. Please see the Design section of this Report.
Similar larger development on The Avenue. Do we need another one?	The development proposal would contribute to the borough meeting with its housing targets.
Would be better to replace with a building of similar size and more in keeping architecturally	Adopted policies seek to make the most efficient use of land. The architectural language is considered acceptable.
Massing is twice the size of the existing	The building is greater in bulk and scale but complies with adopted design guidance. Please see the Design section of this Report.
Out of proportion to other properties and to the site	The development is considered to be of an acceptable bulk and scale. Please see the Design section of this Report.
Architecturally, it is like a halfway house between a modern/modernist building and the attempt to pick up elements from the	Please see the Design section of this Report.

surrounding buildings, such as bays	
Rounded corners look out of place	The development is considered to be of appropriate design. Please see the Design section of this Report.
Intrusive concrete block will be a blot on the landscape	The development is considered to be of appropriate design, scale and bulk. Please see the Design section of this Report.
A proposal similar to the new flats mid-way down Cavendish Road (size and styling to existing properties) would be far more appropriate.	The proposed development is considered to be of an acceptable design and scale. Please see the Design section of this Report.
Overdevelopment of the site	The development is considered to be of appropriate design and scale. Please see the Design section of this Report.
Out of keeping and character. Insensitive and unsympathetic.	The development is considered to be of appropriate design. Please see the Design section of this Report.
Layout and density disproportionate	Please see the Design section of this Report.
No problems with the look of the new building, which is a big improvement on the existing house	Please see the Design section of this Report.
Object to main entrance being on Cavendish Road	Please see the Design section of this Report.
<b>Amenity Matters</b>	
Block sunlight and light to dwellings on Cavendish road and Willesden Lane	Please see the Design section of this Report.
Overlooking and loss of privacy	Please see the Design section of this Report.
Overlooking of gardens and windows at No.166 Willesden Lane	Please see the Design section of this Report.
Lack of sunlight to gardens	Please see the Design section of this Report.
Three windows at 164 Willesden Lane which will be completely devoid of light	Please see the Design section of this Report.
<b>Sustainability Matters</b>	
Many trees would be lost	Only two of the existing trees are covered by a Tree Protection Order and these will be retained. The majority of the remaining trees are frontage trees and are not classified Category C trees. Please see the Sustainable Design section of this Report
To lose wildlife because of a modern development will be criminal	Please see the Sustainable Design section of this Report
Loss of green space, gardens and trees	Please see the Sustainable Design section

	of this Report
<b>Highways Matters</b>	
It will add to traffic congestion	Please see the Highway Safety section of this Report
Concerned about the volume of large lorries etc. with limited parking	Please see the Highway Safety section of this Report
Inadequate parking provision	Please see the Highway Safety section of this Report
<b>Other Matters Raised</b>	
Impact of additional residents on infrastructure and services	The Community Infrastructure Levy funds necessary infrastructure as detailed on the Councils Regulation 123 list.
Construction process will presumably take much longer and the mess will be much greater than a more suitable sized redevelopment	Standard conditions are proposed to minimise the impact of construction on neighbours.
Development on The Avenue uncovered an unexploded WWII ordnance. How many more will be uncovered?	This is not a planning matter, however a Directive can be included with any approval, advising the applicant of the potential of unexploded WWII ordnance in light of the one discovered on The Avenue two years previously.
Unaffordable housing	Notwithstanding the affordable unit proposed together with an off-site contribution, sales values of the remaining (market) units are set by the market.

## POLICY CONSIDERATIONS

### The London Plan

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing
- Policy 3.13 Affordable housing thresholds
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs



Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.18 Construction, excavation and demolition waste  
Policy 6.3 Assessing the effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.1 Lifetime neighbourhoods  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.18 Protecting open space and addressing deficiency  
Policy 7.19 Biodiversity and access to nature

### Core Strategy

CP1 Spatial Development Strategy  
CP2 Population and Housing Growth  
CP6 Design & Density in Place Shaping  
CP15 Infrastructure to Support Development  
CP17 Protecting and Enhancing the Suburban Character of Brent  
CP18 Protection and Enhancement of Open Space, Sports and Biodiversity  
CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP21 A Balanced Housing Stock

### Development Management Document

DMP 1 Development Management General Policy  
DMP9a Managing Flood Risk  
DMP9b On Site Water Management and Surface Water Attenuation  
DMP12 Parking  
DMP13 Movement of Goods and Materials  
DMP15 Affordable Housing  
DMP18 Dwelling Size and Outbuildings  
DMP19 Residential Amenity Space

### Other Relevant Policy Considerations

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
Technical housing standards - nationally described space standards (2015)  
draft London Plan (2017)  
Mayor of London - A City for all Londoners  
LB Brent S106 Planning Obligations SPD (2013)  
LB Brent Design Guide for New Development (SPD1)  
LB Brent Residential Extensions & Alterations (SPD2) (Jan 2018)  
LB Brent Basement SPD (Jun 2017)  
LB Brent Waste Planning Guide SPG  
Community Infrastructure Levy Regulations 2010  
London Cycling Design Standards

## **DETAILED CONSIDERATIONS**

### Heritage Considerations

1. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Buildings Act”) confirm that special attention shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “*considerable importance and weight*”. Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).
2. Section 16 of the NPPF (“Conserving and enhancing the historic environment”) (paras.184 to 202) advises Local Planning Authorities to recognise heritage assets as an “irreplaceable resource” and to “conserve them in a manner appropriate to their significance” (para.184).
3. When considering the impact of a proposed development on the significance of a designated heritage asset, it is advised at para.193 that “*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.195). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.196) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.197).
4. It is also important for Members to note that with regard to the legislation, the term “setting” only refers to listed buildings, which is defined in the NPPF as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

#### *The Local Plan*

5. Policy 7.8 of the London Plan (“Heritage Assets and Archaeology”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. The supporting text to Policy CP17 (“Protecting and Enhancing the Suburban Character of Brent”) of the Core Strategy confirms that the Borough’s historical assets need to be protected and conserved. Policies DMP1 (“Development Management General Policy”) and DMP7 (“Brent’s Heritage Assets”) confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.
6. There are several heritage assets against which the proposed development should again be considered. These include:
  - Christ Church (grade II listed)
  - 161 Willesden Lane (Locally Listed);
  - 167 Willesden Lane (Locally Listed);
7. The site is near to, but not in, the Brondesbury Conservation Area. It is worth noting that although there is a proposal to extend the boundary of the Conservation Area to include both sides of Cavendish Road, and the aforementioned designated and non-designated heritage assets, consultation has not begun on this and no weight can yet be given to this. Further consideration of the impact on the character and appearance of the Conservation Area is therefore not necessary at this point in time.
8. What must be determined is whether the proposed development will harm the significance of the

aforementioned designated and non-designated heritage assets, having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72).

#### Assessment Against Significance of Heritage Assets

##### *Christ Church (grade II listed)*

9. Christ Church is located approximately 120 north-west of the site and due to the bend in the road, only the spire is visible from the site. In its listing in 1979, it is described as:

*1866. Designed by Charles R B King. Spacious cruciform church in Decorated Revival style. Ragstone with freestone dressings; tall tower with spire at north-east corner; decorated tracery to aisle and transept windows; paired lancets to clerestory. Additions to original structure by King 1888; vestry added 1909; restored 1948 by E B Glanfield after war damage*

10. Whilst the site is relatively near to this heritage asset, the intervening buildings obscures all views of it, apart from the spire. It is considered that the identified heritage asset will not be harmed from the proposed development and that its significance, character and setting will continue to be preserved.

##### *161 and 167 Willesden Lane*

11. These two buildings are located approximately 38m and 73m distant from the application site, on the opposite side of Willesden Lane and are substantial, detached buildings in their own right. No.161 Willesden Lane has been extended (Trojan Court) with a three-storey addition on the return frontage with The Avenue. Having regard to the scale of the proposed development and those of the locally listed buildings, together with the levels of distancing, it is considered that the proposed development will not harm their significance or setting.

#### **Design Considerations**

##### Density

12. 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.
13. The site (approximately 900sqm) is located within an area with a public transport accessibility level ("PTAL") of 4 on a scale of 1-6, with 1 being the least accessible and 6 being the most accessible. The PTAL score suggests that an appropriate level of density for this suburban location is in the range of 200-350 habitable rooms per hectare (hr/ha) or 45-130 units per hectare (u/ha).
14. With 18 dwellings and 58 habitable rooms proposed, this would equate to a proposed density level of 644hr/ha or 200u/ha. Although the calculation exceeds the suggested range, adopted policy acknowledges that a numerical assessment is but one factor to consider in assessing whether the site is capable of accommodating the proposed development. 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 highways matters. These are considered below.

##### Design/Scale/Character/Appearance/Proximity to Boundaries

15. There is clear guidance on the approach to the matter of design. The NPPF (section 12) confirms that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development. This is reinforced by the recently published National Design Guide. Policy 7.1 of the London Plan ("Lifetime Neighbourhoods") advises that the design of new buildings and the spaces created by them should "help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood" while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Core Policy 6 ("Design & Density in Place

Shaping”) confirms the importance of design and where design is of the highest or exemplary standard, higher densities will be considered. Additional design guidance is found in DMP1 (“Development Management General Policy”) and within SPDs 1 and 2.

16. It is recognised that any form of redevelopment which seeks to address both street frontages will effect a change on how this site relates to the street scene. A key factor in this proposal would be the removal of many trees around the site frontages, revealing a substantial building which does not look like those of its immediate neighbours. Whilst this would represent a significant change in the street scene, it is considered that this in itself would not be sufficient grounds to consider a refusal because as advised above, section 12 of the NPPF, together with the National Design Guide and local Policies, indicate what should be considered in relation to achieving a good design. Moreover, there is an overriding strategic need to increase housing supply within the Borough and in London. In principle, it would be difficult to argue that this is not a site which could accommodate a more intensive form of development but the question, illustrated through the objections from the local community, is whether this is the right form for that development.
17. Existing developments within the area, are predominantly characterised by “traditional-looking” brick-built buildings, with hipped or multi-pitched roofs, bay windows, front dormer windows, and accommodation at lower ground floor levels. There are also many examples, inclusive of those immediately surrounding the site, of buildings which have either converted into Flats or are purpose-built. There are also many examples of more recent, flat-roofed developments such as at 170 and 172-174 Willesden Lane, The Avenue, and Christchurch Avenue. The proposed development successfully draws upon all of the features described above in one coherent design. It should also be noted that a full basement level for a plant room will also be provided and that this is acceptable, having regard to the Council’s Basements SPD.
18. In terms of height, the existing building is approximately 12.6m to ridge level from natural ground level. The proposed building will be taller (14.2m to the top of the corner feature) but it respects the heights of those immediately adjacent at No.164 Willesden Lane and 61-63 Cavendish Road before stepping up, away from those adjacent developments. From a streetscene perspective, the stepping up of the development to the corner is considered acceptable. New developments should also comply with the guidance contained within SPD’s 1 & 2 in relation to the building envelope not compromising the 30-degree and 45-degree lines. Whilst there are no issues with the front block, the Cavendish Road block has been amended in an attempt to comply with the 45-degree line (Drawing No. 378-PL-202 Rev.G) in order to not unduly impact on the amenity space at the adjacent property on Willesden Lane. Whilst the drawing shows that the line is compromised by railings at second floor roof level and by a small corner of the roof at third floor level, the level of infraction is considered negligible and would not unduly harm the adjacent amenity space.
19. Supplementary Planning Document 1 (“SPD1”) confirms that the 2:1 guidance for 2-storey extensions within SPD2 (“Residential Extensions & Alterations”), would also be applicable, that is, new buildings should not extend beyond the neighbouring building line by more than half the distance to the centre of the nearest habitable room window at the neighbouring property. There are no issues with regards to the front block because it respects the front and rear building lines, however, the application of the guidance within the SPD’s would suggest that the maximum rearward projection beyond the rear of No.164 Willesden Lane will be approximately 2.6m but the proposed building compromising this by approximately 12.5m. However, the creation of a perimeter block, to address both street frontages is considered the correct approach to this site, therefore the projection beyond the rear building line with No.164 Willesden Lane is considered appropriate in this instance, although its overall acceptability is also dependent on the potential impact on neighbouring occupiers (discussed below).
20. The siting of the buildings nearer to the road frontages than the existing dwelling houses is considered acceptable albeit more prominent, as this enables the buildings to address the road and have some presence. The block fronting Cavendish Road sits forward of the properties on Cavendish Road and in this instance, is considered acceptable because of the level of distancing retained to No.63 Cavendish Road (8.1m), and because the retention of the TPO’d trees along that boundary will continue to provide some screening. The layout is considered to be an appropriate design response to this corner plot, the site constraints, and to address the street.
21. Although there have been adverse comments by objectors in relation to the design and to the re-location of the pedestrian entrance to Cavendish Road, it is considered that the design response is the correct approach. The corner element is a traditional way of finishing a corner and adds visual interest to the streetscene. As discussed above, it is acknowledged that the overall scale and bulk is much greater than

the existing and due to the loss of the existing tree screen, will feature more prominently within the streetscene, however, it is considered that the proposed building, through its overall design and materials (to be secured by appropriately worded condition), is of a sufficient quality to ensure that it will positively contribute to the character and appearance of the surrounding area and not harm the visual amenities of the streetscene.

#### Quality of Residential Accommodation

22. To improve the quality of new housing, new development must meet or exceed the minimum internal space standards contained within the London Plan (Policy 3.5 Quality and design of housing developments), the Mayor's Housing SPG, and the nationally described space standards ("Technical Standards"). The Council's Design SPD (SPD1) also advises on the appropriate stacking of rooms to avoid noise and disturbance, and the Basement SPD ensures that the accommodation at this level is acceptable. The GIA of each of the proposed dwellings and respective rooms within, will either meet with or exceed the respective minimum floor areas contained within the Technical Standards, and is therefore acceptable in this respect. Sixteen of the eighteen proposed dwellings are dual aspect.

#### *Internal Daylight/Sunlight*

23. Of particular concern are the dwellings at lower ground level. To support their application, an Internal Daylight Analysis has been submitted. The results of the Analysis confirm that all rooms satisfy BRE recommendations in relation to ADF and room depth. It acknowledges that some rooms at lower ground floor level with rooms facing courtyards fail to meet the NSL criteria but that given their lower ground floor position, it is "extremely difficult" to achieve the criteria in tight urban contexts.
24. Site context is an important consideration and although it is acknowledged that it is not always possible to ensure that every habitable room satisfies the relevant daylight/sunlight tests, a scheme should be able to minimise any infraction. It should also be noted that the modelling for the *Assessment* did include the balconies. The Table provided at Appendix B of the *Analysis* highlights the rooms which have passed/failed, and it is noted that of the 21 rooms tested from lower ground level to first floor level, all rooms tested met the ADF test. In relation to the no sky limit test, 7 rooms failed.
25. Although the failure of some bedrooms to meet with the tests is unfortunate, they are considered to be not as sensitive as Living/Dining/Kitchen rooms which are utilised more throughout the day/evening, as it is these rooms which provide the social and communal living space within each unit. Since the submission of the *Assessment* the scheme has been revised, as discussed above and it is therefore considered that on balance, the proposed dwellings should receive adequate amounts of daylight and sunlight.

#### *Amenity Space*

26. Policy DMP19 confirms that Flats should be providing a minimum of 20sqm, or 50 sqm for 3-bedroom flats, with any shortfall being provided through communal provision. Each dwelling will be provided with amenity space in the form of either balconies, terraces, or garden space. Although some of the dwellings will significantly exceed the minimum standard, the majority fall short. To compensate, rooftop communal space (60.2sqm) is provided. In addition, 17 of the proposed 18 dwellings exceed the minimum internal floor space standards (the 18<sup>th</sup> dwelling meets its relevant standard) and it is also recognised that it is more difficult to meet the minimum standard in modern flatted developments. On balance, having regard to the oversized dwellings, and the communal space, it is considered that the quantum of amenity space proposed is acceptable.
27. Some concern had been raised in relation to the areas of amenity space at lower ground floor level on the northern and southern elevations of the building because the *Daylight and Sunlight Assessment* illustrated that those areas would not receive any sunlight. Moreover, those areas were initially presented as being the main areas of amenity space for the respective units (LG.4 and LG.5) and to add to the overall poor quality of the spaces, outlook was not considered acceptable due to the close proximity of boundary fences. Moreover, due to respective levels, it was also considered that there would have been a greater sense of enclosure and a sense of being unduly overbearing for occupiers. To address these concerns, bedrooms for the affected dwellings were moved to lower ground floor level, and their respective kitchen/lounge/dining rooms moved the upper ground floor level to take advantage of improved light and outlook, in addition to direct access to better quality outdoor space. Lower ground level amenity space is still provided but as these are now not the main areas of amenity space, on balance, the quality of the useable amenity space is considered acceptable.

## Impact on Neighbour Amenity

### Loss of Outlook / Overlooking / Loss of Privacy

28. In terms of the proposed relationship to No.164 Willesden Lane, the block fronting Willesden Lane, similar to the existing, would be constructed along the common boundary with that adjacent property, and as discussed above, is of a similar height. In addition, this element of the development respects the front and rear building lines of No.164 Willesden Lane. Having regard to all of the above, there is no greater harm on the amenity of those adjacent occupiers in terms of distancing, outlook, overlooking, and privacy than the existing, and is therefore considered acceptable. As discussed above, the block fronting Cavendish Road
29. With regard to distancing, the proposed development, as discussed above, complies with the guidance contained in the SPD's and is therefore considered acceptable on this element.

### Loss of light

30. A *Daylight and Sunlight Impact Assessment* has been provided to demonstrate the impact of the proposed scheme on neighbouring properties and confirms that it has been undertaken in accordance with the recommendations of the Building Research Establishment ("BRE") report *Site Layout Planning for Daylight & Sunlight: a guide to good practice 2011*. Ten properties have been assessed (159, 161, 164 and 166 Willesden Lane; 61-63, 50-52, 54-56, 58-60, 61-63, 62-64 and 66 Cavendish Road).
31. In assessing the loss of light from the sky to the living room, kitchen and bedroom of existing buildings, the Vertical Sky Component ("VSC") and No Sky Limit ("NSL") tests are employed. VSC is a measure of the ratio of the direct sky illuminance on the centre of the outside pane of a window, to the simultaneous illuminance on an unobstructed horizontal plane. This must be greater than 27% or more than 0.8 times its former value. Results of less than these values will result in dimly lit rooms with a greater reliance placed on artificial lighting. NSL is the outline of the area that has a direct view of the sky on a working plane. Where room layouts are known, in each of the main rooms, the area that receives direct light from the sky must be more than 0.8 times its former value.
32. In the assessment of sunlight, the Annual Probable Sunlight Hours ("ASPH") test is used. This is the average of total number of hours during a year in which direct sunlight reaches the centre of a window, which must be more than 25% of the total Annual sunlight hours (unobstructed horizontal plane), including at least 5% of the total annual sunlight hours (unobstructed horizontal plane) in the winter months (21 September – 21 March) or more than 0.8 times its former value for the whole year and the winter period. For sunlight to gardens and open spaces: at least 50% of that space should receive at least 2 hours of sunlight on 21<sup>st</sup> March; that area receiving the aforementioned 2 hours is more than 0.8 times its former area; and when a detailed calculation cannot be undertaken, the centre of the garden should receive 2 hours of sunlight on 21<sup>st</sup> March.
33. The Assessment also advises of another test to be applied where an existing building has windows close to the site boundary and is taking more of its fair share of light, the VSC and ASPH targets for these windows could be set from a 'mirror-image' building of the same height and size, and equal distance away on the other side of the boundary. The rationale being to ensure that new development matches the height and proportion of existing buildings.
34. Of all the properties/windows analysed, only some of the windows at No.164 Willesden Lane and No.63 Cavendish Road will experience some adverse effect. With regard to VSC, one habitable window on each of the two properties do not meet the BRE guidelines, however, when the mirror image building analysis is also applied, only the window (a second floor flank window) at No.164 Willesden Lane remains affected. Having regard to the NSL analysis, two additional windows (located in the gable-ended roof) are affected at No.164 Willesden Lane while all windows at No.63 Cavendish Road meet with the BRE guidance. All windows meet with the ASPH guidance.
35. With regard to the sunlight hours for gardens, it is recognised that in general, those gardens immediately to the north of their neighbour will usually be affected in some way and this is illustrated within the Daylight / Sunlight Assessment. The only garden to be affected in any way from the proposed development is at No.164 Willesden Lane. The Assessment concludes that 41% of that garden will receive 2 hours of sunlight on 21<sup>st</sup> March. Although below the 50% guidance, regard should be given to

the location within a reasonably tight suburban location, the time of year (winter) whereby gardens are not used as much, the desire to address both street frontages, the increased housing provision, which taken together, is considered to outweigh the potential harm to one garden.

## **Housing**

### Tenure / Mix / Affordable Housing

36. Core Policy 2 (“Population and Housing Growth”) confirms that at least 25% of new homes will be family size dwellings, which is defined as 3 or more bedrooms, and CP21 (“A Balanced Housing Stock”) confirms the need to provide an appropriate range and mix of self-contained dwellings. Six 3-bed dwellings are proposed (33%), thus ensuring that the development is policy compliant in this respect.
37. Core Policy 2 also confirms that the Borough will aim to achieve the London Plan’s target of 50% affordable housing. DMP15 (“Affordable Housing”) seeks 70% of new affordable dwellings to be social/affordable rented and 30% intermediate housing at affordability levels meeting local needs. For the scheme as currently proposed, this will equate to 9 affordable dwellings, with a tenure split of x6 social/affordable rented and x3 intermediate dwellings.
38. The applicant, following their own financial appraisal, has offered one maisonette (Unit LG.5 (2b3p)), which equates to 5.6% affordable provision, and a contribution of £99,532 towards the off-site provision of affordable housing. Council’s own independent review of the scheme confirms that the above is the maximum which can be reasonably provided and Officers recommend that this should be secured by way of a legal agreement. It is also recommended that given that the offer still falls considerably short of the Policy target of 50% on-site provision, a post-implementation review is also secured through a legal agreement in order to capture any uplift in value through actual sales values.

## **Highways Considerations**

39. Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (Policy 6.12) and parking (Policy 6.13). Policies DMP11 and 12 provide the criteria upon which developments will be assessed with regard to layout and access / servicing / parking standards.

### Parking

40. The lower parking standards contained within Table 6, Appendix 1, of the DMP apply because of the good PTAL of the site. The provision of one space (a blue badge space) would therefore accord with the adopted standards. Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. In this regard, although there are five bays available along Cavendish Road, these would not be sufficient to accommodate the predicted overspill of up to 13 parked cars from the site (based on an approximation of 75% of the maximum parking allowance). However, Policy DMP12 also encourages ‘car-free’ development in areas with good access to public transport services, such as the application site. Having regard to this, it is recommended that a ‘car-free’ agreement is applied to the development to withdraw the right of future residents to on-street parking permits. This has been acknowledged in the submitted Transport Statement and should be secured either through an appropriately condition or legal agreement.
41. It has been suggested that the disabled parking bay should be re-sited nearer to the entrance, to minimise the amount of hardstanding. Although that could be beneficial, the hardstanding already exists, therefore not worsening the situation. In addition, moving it may impede access to the bin store for residents, and on collection days. In addition, the turning head near the vehicular entrance is not of a sufficient size to accommodate the disabled bay. Moreover, its proposed siting is least likely to impact on the amenity of residents.

### Cycle Parking

42. The London Plan requires a minimum of 35 secure bicycle parking spaces, therefore the indicated provision of 38 spaces on a two-tier rack within the basement, plus two further external spaces, would comply with adopted standards. Although it has been suggested that the cycle store should be located at ground floor level, there is no space to do so. Shortening the driveway is not considered appropriate because there would be conflict with access to the bin store, and the turning head is of an insufficient size

for a blue badge space. Cycle storage is not an uncommon feature in new developments and the lift is of a sufficient size to accommodate a bike.

### Traffic Generation

43. The submitted Transport Statement has considered likely future trips to and from the development, based on comparisons with eight other residential blocks of flats in well-served areas of London. This suggests that 2 arrivals/8 departures in the morning peak hour (8-9am) and 6 arrivals/4 departures in the evening peak hour (5-6pm) would be expected by all modes of transport; half of which would already be travelling to and from the 10 existing flats on the site.
44. As the development is proposed to be almost entirely 'car-free' (aside from one disabled space), vehicular movements are likely to be negligible. Otherwise, the 2011 Census data for journeys to work has been examined to identify likely trips by other modes of travel (adjusted to reallocate car journeys to alternative modes).
45. This suggests that 69% of trips would be made by rail/Underground and 15% by bus. These totals would amount to less than one additional passenger per service passing in the vicinity of the site, which is not considered significant enough to give rise to concern of public transport capacity.
46. A further 12% of trips are predicted to be made by foot or bicycle, meaning that 90% of journeys would initially be made by foot (public transport journeys being on foot initially to reach the bus stop/station). In this respect, it is noted that the adjoining signalised junction of Willesden Lane/Cavendish Road/ The Avenue does not incorporate any pedestrian phases, which is a shortcoming of the highway. Funding of improvements to the junction to include an all-red pedestrian phase would derive from the overall CIL contribution.

### Access and Servicing

47. Vehicular access from Cavendish Road remains unchanged, and is therefore considered acceptable. Pedestrian access will move to Cavendish Road, to be centrally positioned along that frontage, as described above. Although one of the objections against the development is specific to this element, there is no sound planning reason to resist this.
48. The proposed location of four Eurobins at the rear of the building will allow easy access for refuse collection staff from Cavendish Road. However, the amount of storage proposed would need to be increased by at least four wheeled bins to provide capacity in line with Brent's standards

### **Sustainable Design & Construction**

49. Chapter five of the London Plan sets out a comprehensive range of policies to underpin London's response to climate change. This is supported by policies within the Core Strategy and the DMP (Chapter 7).

### Energy / Energy Efficiency

50. Policies 5.2 ("Minimising Carbon Dioxide Emissions") and 5.3 ("Sustainable Design and Construction") of the London Plan confirm the need to minimise CO<sub>2</sub> emissions in developments. The expected energy and carbon dioxide emission savings from energy efficiency and renewable energy measures incorporated into the development should be demonstrated, in accordance with the energy hierarchy. Major developments are required to achieve carbon emissions reduction targets leading to zero carbon. Any shortfall should be met via a contribution, secured by legal agreement, to the Council's carbon offsetting fund.
51. The submitted *Energy and Sustainability Statement* outlines the approach to carbon emission savings and renewable energy, which is to minimise energy consumption through passive design, fabric performance and energy efficiency measures.
52. There is also a requirement to reduce CO<sub>2</sub> emissions across the development using renewable or low-carbon energy sources, where practical and feasible. The *Statement* has considered the feasibility of the following technologies:



- Wind turbines
- Solar hot water
- Photovoltaic systems
- Biomass heating
- CHP (Combined heat and power)
- Ground & Air source heat pumps (GSHP & ASHP)

53. The results of the assessment of suitable technologies relative to the nature, locations and type of development suggest that the preferred solution to be the installation of a 28 panel PV array, producing approximately 790-800wh/annum. ASHP's will also be used, which would contribute approximately 17% towards overall CO2 reductions. The remaining technologies considered were discounted for various reasons such as the potential impact on neighbouring occupiers from the necessary plant, impact on streetscene, or the lack of available space on the site or building to accommodate bore holes for heating systems.

54. The Statement confirms that the residential element should achieve a 64.67% saving, thus exceeding the minimum on site 35% reduction required. However, in accordance with the London Plan (policy 5.2E *Minimising carbon dioxide emissions*) the remaining regulated carbon dioxide emissions, to 100%, are required to be off-set through a cash in lieu contribution (£13,554) to secure delivery of carbon dioxide savings elsewhere.

#### Overheating

55. London Plan policy 5.9 requires that consideration is given to the effects of overheating, with major schemes encouraged to reduce their reliance on air conditioning systems. A cooling hierarchy is provided at part B of the Policy. Appendix E of the submitted *Energy & Sustainability Statement* discusses how the proposed development has addressed this matter. The following design measures have been incorporated into the scheme:

- a parapet to reduce solar gain through the roof
- the introduction of concealed motorised external roller blinds for the top two floors of the tower element to block solar gains at peak times
- deep of window reveals
- top hung windows and patio doors to increase the through-flow of air (passive ventilation)
- the use of specific glazing products (such as Pilkington Suncool 70/30 or equivalent) to reduce heat gain whilst maximising light transmission

#### Flood Risk/Drainage/Water Consumption

56. London Plan policies 5.12, 5.13 and 5.15 require the consideration of the effects of development on flood risk, sustainable drainage, and water consumption, respectively. Policy DMP9A ("Managing Flood Risk") confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. A *Flood Risk Statement & SuDS Report* has been submitted, detailing the potential risk for flooding.

57. The *Report* confirms that the site is at low risk from fluvial flooding as it lies within Flood Zone 1. A review of the West London Strategic Flood Risk Assessment confirms that the site would not be at risk from surface water flooding.

58. With regard to drainage, the impermeable areas of the existing site will increase from 293sqm to 534sqm (total site area is 904sqm). With a primary goal of managing surface water runoff as close to the source as possible and having regard to the underlying ground conditions, the use of soakaways is considered to be inappropriate due to the underlying London Clay. Instead, the *Report* confirms the use of permeable paving underlain by a hydrocarbon removing geotextile membrane at the entrance road area, in order to deal with the surface water run-off. The surface water run-off from any sloped hard standing areas will be

caught by slot drains. Any overflow will be attenuated into a 19.9m<sup>3</sup> storage tank prior to discharge into the combined water network on Cavendish Road. The *Report* also suggests that green roofs will also be provided. Due to those areas also being utilised as amenity space, it is assumed that the proposed green roof would be an intensive green roof. Further details of all of the SuDS measures will be required and these can be reasonably secured by condition. A verification report should also be secured to ensure that the SuDS measures are installed, and in accordance with manufacturer instructions to ensure optimum benefit.

59. In order to minimise any impact on water supply, major developments should be limiting mains water consumption to a target of 105 litres or less per person, per day. The *Energy and Sustainability Statement* confirms that internal potable water use will be limited through the use of low flow fittings, dual flush toilets, and through the use of white goods with maximum water efficiency ratings. A condition will be imposed to secure the targeted 105 litres or less.

### Trees

60. Policies 5.10 (“Urban Greening”) and 7.19 (“Biodiversity and access to nature”) of the London Plan requires development proposals to contribute to mitigating the effects of climate change by considering integrating green infrastructure and to make a positive contribution, where possible, to the protection, enhancement, creation, and management of biodiversity. Core Policy 18 (“Protection and Enhancement of Open Space, Sports and Biodiversity”) of the Core Strategy confirms that support will be given to the improvement of the built environment for biodiversity and nature conservation. Policy DMP1 (“Development Management General Policy”), paras.4.10 to 4.13 of the DMP and LBB SPD1 all confirm the need to provide effective landscaping proposals.
61. A Phase II Arboricultural Impact Assessment has been provided to help inform the decision making process. Twenty trees and two groups of trees have been identified, with all trees categorised in accordance with BS5837:2012 to establish their condition, age and quality. Category A trees are of high quality, contribute to local amenity, and should be retained if possible. Category B trees are of moderate quality with an estimated life expectancy of at least 20 years. Category C trees are considered to be of low quality, with either a limited life expectancy, or very young trees with a stem diameter of not more than 150mm, or very little contribution to local amenity. Category U trees are ones in such a poor condition that they cannot realistically be retained as living trees. It is also noted that two trees are covered by a Tree Protection Order (TPO), both Common Limes and categorised as B and C.
62. The majority of the existing vegetation is of an insufficient quality to warrant their retention but the two TPO’d trees, both located along the common boundary with No.63 Cavendish Road, will be retained in the development proposal. A condition securing the protection measures proposed for these two trees, in addition to the two street trees, will be imposed. Replacement planting will be sought through a landscaping condition. The proposal also involves the replacement of the existing drive and it should be noted that this extends over the root protection area of the two TPO’d trees. To mitigate any potential adverse impact, it is proposed that a cellular confinement system is installed using a minimal/no-dig installation. This methodology will be secured by an appropriately worded condition.

### Landscaping

63. The existing site is heavily vegetated, although as noted above, not many of the existing trees are high quality specimens. The submitted Landscape Strategy broadly outlines the approach to be adopted, such as the planting of six semi-mature trees (replacement Lime trees, or any alternative to be agreed with the LPA) and eight ornamental, multi-stemmed trees. The Strategy is welcomed, although there are some concerns over the close proximity of some of the semi-mature trees to the building, as this could result in additional pressure to cut back the canopy. Notwithstanding, a full landscaping strategy, which would provide details of species and details of the management of the landscaping, can be reasonably secured by condition.

### Air Quality

64. An Air Quality Assessment has been submitted in support of the application as the site is within an Air Quality Management Area. The Assessment acknowledges that the development has the potential to generate dust and emissions during the construction phase due to on-site activities and exhaust emissions from construction vehicles and plant, as detailed within Section 5 of the Assessment. Due to the proximity of sensitive receptors near to the site boundary, conditions will be imposed to secure details of measures to control dust emissions and the emissions from non-road mobile machinery.

65. Dispersion modelling was also undertaken to establish the potential exposure of future residents to elevated levels. Across all levels of the ground floor, NO<sub>2</sub> and annual mean PM<sub>10</sub> concentrations were below guidance levels, therefore not being a cause for concern. It wasn't considered necessary to provide further assessments at other levels of the development. The site is classified as having an Air Pollution Exposure Category of "A" in accordance with the London Councils Air Quality and Planning Guidance and is therefore considered suitable for the proposed use. Environmental Health has confirmed that no mitigation is required in this instance.

#### *Air Quality Neutral Assessment*

66. The Air Quality Neutral Assessment confirms that this assessment was undertaken in accordance with GLA guidance. The development is considered to be air quality neutral because heating will be provided through an air-source heat pump (ASHP) and it is a car-free development. Environmental Health have confirmed that as long as that these two elements of the scheme are provided, the development will be air quality neutral. These matters are secured by way of conditions, in relation to the ASHP and through the legal agreement with regard to remaining car-free.

#### Construction Site Waste Management

67. Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London's waste within London by 2031, creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2031. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition (CE&D) waste of 95% by 2020. In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans (SWMP) to arrange for the efficient handling of construction, excavation and demolition waste and materials. The supporting text to CP19 ("Brent Strategic Climate Change Mitigation and Adaptation Measures") of the Core Strategy confirms that developers will be expected to play their part in reducing the overall waste arising and is managed towards the upper end of the waste hierarchy.
68. The applicant has indicated, through the *Sustainability Statement*, that any waste generated will be segregated for recycling/collection/re-used, and any hazardous waste will be disposed of appropriately. An appropriately worded condition will secure details.

#### **Equalities**

69. 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).

#### **Conclusions**

70. Having regard to all of the above, it is considered that on balance, planning permission should be granted for the following reasons:
1. Having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting, the proposal has been assessed against the identified designated and undesignated heritage assets and their significance as set out above. It is considered that the development proposal will not lead to any harm to those assets having regard to Policy 7.8 of the London Plan, Core Policy 17, Policies DMP1 and DMP7 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  2. The proposed development would contribute to increasing London's supply of housing, having regard to Policies 3.3, 3.4 & 3.14 of The London Plan, Core Policies 1, 2, 6, 18 & 21 of the Core Strategy, Policies DMP1 & 15 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  3. The proposed development, due to its design, size, scale and siting, does not unduly detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan Policy, Core Policies 5, 6 & 17, DMP Policies 1 & 19 of the

Development Management Policies, and with guidance contained within the National Planning Policy Framework, and with guidance contained within the National Planning Policy Framework.

4. The proposed development, due to its siting does not unduly impact on the existing amenities of the occupiers of nearby properties in terms of loss of light, outlook or privacy and in this respect complies with Policy 7.6 of the London Plan, Core Policy 17, DMP Policy 1 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
5. Having regard to conditions attached to this permission, the proposal makes appropriate provision for servicing, access, parking, including cycle parking and visibility splays, and in this respect complies with Policies 6.3, 6.9, 6.12 & 6.13 of the London Plan, DMP Policies 11 & 12 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
6. The proposed development, by virtue of measures proposed and conditions imposed, will contribute to the mitigation of and adaptation to climate change, having regard to Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10, 5.12, 5.13 & 5.15 of the London Plan, Core Policies 20, 32 and 36, DMP Policies 8, 9a & 9b of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.

## S106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:

1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
2. Notice of Commencement of works
3. The securing of the two affordable units
4. Post implementation viability review
5. Training and employment
6. Carbon offsetting (Contribution of £13,554 towards a local carbon off-setting scheme to achieve a zero carbon development based upon the carbon reduction measures set out in the Energy & Sustainability Statement dated 6 August 2019)
7. Considerate Constructors Scheme

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## CIL DETAILS

This application is liable to pay **£487,232.33** \* 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): 460 sq. m.

Total amount of floorspace on completion (G): 1820.17 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	1820.17		1360.17	£200.00	£0.00	£405,622.13	£0.00
(Mayoral) Dwelling houses	1820.17		1360.17	£0.00	£60.00	£0.00	£81,610.20

BCIS figure for year in which the charging schedule took effect (Ic)	224	334
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£405,622.13</b>	<b>£81,610.20</b>

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

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

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/0834

To: Hill  
Maddox Associates  
68 Hanbury Street  
London  
E1 5JL

I refer to your application dated **05/03/2019** proposing the following:

Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained flats with associated car parking, cycle storage and landscaping.

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

at **162 Willesden Lane, Kilburn, London, NW6 7PQ**

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: 09/12/2019

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

378-PL-001 Existing Site Location Plan  
378-PL-010 Existing Elevations  
378-PL-002 Existing Site Block Plan  
378-PL-003 Existing Site Plan  
378-PL-004 Demolition Plan  
378-PL-005 Existing Lower Ground Floor Plan  
378-PL-006 Existing Ground Floor Plan  
378-PL-007 Existing First Floor Plan  
378-PL-008 Existing Second Floor Plan  
378-PL-009 Existing Roof Plan  
378-PL-101 Rev.B Proposed Site Plan  
378-PL-102 Rev.I Proposed Basement & Lower Ground Floor Plan  
378-PL-103 Rev.H Proposed Upper Ground & First Floor Plan  
378-PL-104 Rev.H Proposed Second & Third Floor Plan  
378-PL-105 Rev.H Proposed Roof Plan  
378-PL-201 Rev.E Proposed Street Elevations  
378-PL-202 Rev.G Proposed Rear and Side Elevations  
378-PL-203 Rev.B Proposed Willesden Lane Elevation Façade Study  
378-PL-204 Rev.B Proposed Cavendish Road Elevation Façade Study  
378-PL-205 Rev.B Proposed Rear Elevation Façade Study  
378-PL-206 Rev.B Proposed Side Elevation Façade Study  
378-PL-207 Rev.A Materiality  
378-PL-208 Rev.B Detail of Typical Willesden Lane Window  
378-PL-301 Rev.C Proposed Sections AA & BB  
378-PL-303 Rev.B Proposed Sections CC & DD  
378-PL-304 Rev.B Proposed Sections EE & FF

Accommodation Schedule  
Air Quality Assessment (5th July 2019)  
Arboricultural Impact Assessment  
Daylight and Sunlight Impact Assessment  
Design and Access Statement  
Energy & Sustainability Statement  
Flood Risk Assessment & SuDS Report  
Heritage Statement  
Interior Daylight Assessment  
Landscape Strategy  
Thames Water Drainage & Water Search  
Transport Statement

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

- 3 No external plant, fittings, plumbing or pipes shall be fixed to any external element of the buildings unless otherwise approved in writing by the Local Planning Authority in advance of any work being carried out.

Reason: To ensure an acceptable appearance.

- 4 No less than two of the units hereby approved shall be constructed as wheelchair user dwellings (Requirement M4(3) of the Building Regulations) and the remainder (x17 units) shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation, evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the needs of all users are met and optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP21 of the Core Strategy, DMP1 of the Development Management Document and Policy 3.8 of the London Plan.

- 5 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), the residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, without the express planning permission having first been granted in writing 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 Unless specified by any other condition attached to this permission, development shall only be undertaken in accordance with the methodology and recommendations specified within the Phase II Arboricultural Impact Assessment (AIA) by Arbol Euroconsulting (Ref.101329) dated 25/01/2019.

Reason: To ensure that the retained trees and other vegetation on the site or on adjacent sites are not adversely affected by any aspect of the development.

- 7 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: Nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended), this condition will ensure that wildlife is not adversely affected by the proposed development in accordance with DMP8 of the Development Management Policies, CP18 of the Core Strategy, and Policies 5.10, 5.11 and 7.19 the London Plan.

- 8 Prior to any superstructure works commencing, details of materials for all external work, including sample panels which shall be made available for viewing on site or within another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

- 9 No works shall commence on the site until the details of all plant and machinery to be used at the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. Evidence is required to meet Stage IIIA of EU Directive 97/68/EC for both NOx and PM. No works shall be carried out on site until all Non-road mobile machinery (NRMM) and plant to be used on the site of net power 37kW and 560kW has been registered at <http://nrmm.london>. Proof of registration must be submitted to the Local Planning Authority prior



to the commencement of any works on site.

Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and the GLA NRMM Low Emission Zone.

Reason for pre-commencement condition: These details are required pre-commencement because the impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

10

- A. Prior to any superstructure works commencing, a detailed report in relation to any mechanical plant to be installed, including but not limited to ventilation systems, air source heat pumps, kitchen extract systems, shall be provided to the Local Planning Authority and approved in writing, setting out in detail the following:
  - i) The particulars and or specification of noise and vibration levels for the proposed mechanical plant
  - ii) Details demonstrating that any noise generated shall be 10 dB(A) or greater below the typical background noise level (LA90) during the time of plant operation at 1m from the nearest on and off-site NSR: the method of assessment should be carried out in accordance with BS4142:20147 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
  - iii) Include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)
  - iv) Include a scheme of mitigation in the event the predicted vibration levels of the plant exceed acceptable norms
  - v) A management/maintenance plan for the chosen mechanical plant
- B. The approved mechanical plant shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development
- C. A verification report, written by an appropriately qualified person, shall be submitted to the Local Planning Authority for approval in writing prior to first occupation demonstrating that the approved mechanical plant has been installed in accordance with Part A of this condition.

Reason: To ensure that any mechanical plant to be installed will prevent noise nuisance in the interest of safeguarding amenity.

- 11 Unless required by any other condition attached, the development shall be undertaken in accordance with the recommendations and mitigation measures set out within the Air Quality Assessment Report produced by Redmore Environmental (ref:2960r1) dated 5th July 2019, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect local air quality, having regard to the contents of the approved Air Quality Assessment.

- 12 Within three months of the commencement of above ground works, details of any external lighting to be provided, inclusive of the design, height, siting, and lux levels shall be submitted to the Local Planning Authority for approval in writing. The submitted details shall also include how the external lighting scheme has been designed to minimise light spillage and its impact on wildlife particularly along the northern boundary of the site. The external lighting shall be provided prior to first occupation and maintained at all times thereafter.

Reason: In the interests of visual amenity, safety, residential amenity and to ensure that light sensitive receptors are not unduly affected.

- 13 Unless required by any other condition attached to this permission, the parking space, cycle storage and refuse storage as shown on the approved plans shall be provided in full prior to first occupation of the development and shall be permanently retained, kept free from obstruction

and used solely in connection with the development hereby approved and for the purposes approved unless permission is otherwise granted in writing.

The approved cycle storage shall be permanently maintained, kept free from obstruction and available for the parking of bicycles only.

Reason: To ensure that the approved highway works and standards of parking provision and servicing are provided and maintained in the interests of local amenity and the free flow of traffic in the vicinity, and to encourage sustainable travel.

- 14 Prior to development commencing, details to be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) a photographic condition survey of the roads, footways and verges leading to the site;
  - b) wheel cleaning methodology and facilities (inclusive of how waste water will be collected /managed on site);
  - c) the estimated number and type of vehicles per day/week;
  - d) details of any vehicle holding area;
  - e) details of any vehicle call up procedure;
  - f) Coordination with other development projects in the vicinity;
  - g) Hours of deliveries / collections, to avoid conflict with school drop-off/pick-up times (Christ Church C of E Primary School);
  - h) Hours of work;
  - i) A Construction Management Plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition'.

The development shall be carried out in accordance with the approved detail.

Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability, to ensure the implementation of the development does not lead to damage to the existing highway, and to minimise disruption to neighbouring properties and the environment.

Pre commencement reason: These details are required pre-commencement impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

- 15 Prior to any development commencing, inclusive of site clearance, details of a Construction Site Waste Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Site Waste Management Plan shall include as a minimum:
- (a) Target benchmarks for resource efficiency set in accordance with best practice;
  - (b) Procedures and commitments to minimize non-hazardous construction waste at design stage. Specify waste minimisation actions relating to at least 3 waste groups and support them by appropriate monitoring of waste;
  - (c) Procedures for minimising hazardous waste;
  - (d) Monitoring, measuring and reporting of hazardous and non-hazardous site waste production according to the defined waste groups (according to the waste streams generated by the scope of the works);
  - (e) Procedures and commitments to sort and divert waste from landfill in accordance with the waste hierarchy (reduce; reuse; recycle; recover) according to the defined waste groups; and
  - (f) No less than 95% by weight or by volume of non-hazardous construction, excavation and demolition waste generated by the development has been diverted from landfill

Reason: To maximise the amount of waste diverted from landfill consistent with the waste hierarchy and strategic targets set by Policies 5.17, 5.18, 5.19 of the London Plan.

Reason for pre-commencement condition: These details are required pre-commencement because the impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly, arises at this time.

16 Prior to superstructure works commencing, details of the zero / low carbon technologies to be used in the development shall be provided to the Local Planning Authority.

- (a) The submitted detail shall demonstrate compliance with the approved renewable energy strategy as outlined within the approved Energy & Sustainability Statement and must include the design, size, siting, and a maintenance strategy / schedule, inclusive of times, frequency and method.
- (b) The approved details shall be implemented prior to first occupation of the development in accordance with the approved details and permanently maintained.
- (c) Prior to first occupation of the development approved, a verification report demonstrating that the zero / low carbon technologies measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by renewable energy are met in accordance with adopted Policy.

17 Prior to the commencement of building works, excluding demolition, details of the measures to limit the internal consumption of water to 105 litres or less per head per day has been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved details prior to first occupation of the development.

Reason: To promote water conservation and efficiency measures in all new developments in accordance with policy 5.15 of the London Plan, and DMP9b of the Development Management Policies.

18 Prior to construction works commencing, details of the proposed SuDS measures as outlined at paragraph 6.5 of the Flood Risk Statement & Drainage Strategy (March 2017) shall be submitted to the Local Planning Authority for approval in writing. The submitted detail shall include:

- A. Location, design, substrate (extensive substrate base with a minimum depth 80-150mm), vegetation mix and density, and a cross-section of the proposed green roof
- B. Location, size, storage volumes, cross-sections, long-sections (where appropriate) and specifications of all the source control SuDS measures including rain gardens, raised planters, green roofs, water butts, geocellular storage, and permeable paving;
- C. Final sizes, storage volumes, invert levels, cross-sections and specifications of all site control SuDS measures including ponds and underground tanks
- D. Where appropriate, provide calculations to demonstrate that the SuDS provided will function for 1 in 1 year and 1 in 100 year (with the allowance of climate change) events;
- E. A management plan for future maintenance for all of the drainage features

All SuDS measures shall be implemented in accordance with the approved detail.

Reason: To assist in flood attenuation and to ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with adopted Policy

19 Prior to first occupation of the development approved, a verification report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing.

Reason: In the interest of managing surface water runoff as close to the source as possible in accordance with adopted policy

- 20 The applicant will submit a schedule of site supervision visits to be carried out by the project arboriculturalist with regards to any potentially damaging works taking place within the root protection areas (RPA's) of retained trees.

The project arboriculturalist will compile a photographic report to be sent to the LPA tree officer as evidence of works being carried out in accordance with the method statement by Arbol Euroconsulting Ref (101329).

Reasons- To ensure the ongoing health and longevity of retained trees within the landscape and to ensure that works are carried out correctly and are not injurious to trees shown as being retained on the approved plans.

- 21 No superstructure works shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- (a) Planting plans;
- (b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- (c) Pit details and soil volumes to ensure that all new planting realises its full potential;
- (d) Schedules of plants and trees, to include native, wildlife friendly species and large canopy trees in appropriate locations (noting species, planting sizes and proposed numbers / densities);
- (e) Implementation timetables;
- (f) Wildlife friendly plants and trees of local or national provenance (1x *Betula pendula* Fastigiata (12-14cm girth), 2x *Acer campestre* Elsrijk (12-14cm girth), 3x *Carpinus betulus* 'Frans Fontaine' (12-14cm girth))
- (g) Details of hardsurfacing materials;
- (h) Details of any external furniture

All hard and soft landscaping shall be provided prior to first occupation following practical completion of the development hereby approved. The landscaping and tree planting detail shall set out a plan for the continued management and maintenance of the site and any planting which dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with new planting in accordance with the approved details or an approved alternative and to the satisfaction of the Local Planning Authority.

Reason: To ensure that the ecological value of the site is enhanced post development in line with the Biodiversity Action Plan, and in accordance with DMP8 of the Development Management Policies, CP18 of the Core Strategy, and Policies 5.10, 5.11 and 7.19 the London Plan.

- 22 Prior to the commencement of above ground works, excluding demolition, details of the design and siting of a minimum of five bird boxes designed into and around the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The approved bird boxes shall be maintained for the lifetime of the development hereby approved.

Reason: To enhance the site post development in accordance with CP18 of the Core Strategy by providing suitable nesting features for birds, and having regard to the recommendations of the submitted Ecological Assessment.

- 23 Prior to the commencement of above ground works, excluding demolition, for the provision of a communal television system/satellite dish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved detail.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the development hereby approved in the interests of the visual appearance of the development, in

particular, and the locality in general.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to your duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 3 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 4 If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. An application for these works should be made to the Council's Head of Highways & Infrastructure via <https://www.brent.gov.uk/services-for-residents/transport-and-streets/vehicle-crossings-and-dropped-kerbs/>, tel 020 8937 5600 or [transportation@brent.gov.uk](mailto:transportation@brent.gov.uk). The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 The applicant is reminded that nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended). All buildings and areas of trees, hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development approved, should only be cleared outside of the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist must check the buildings and vegetation to be removed immediately prior to clearance and advise whether nesting birds are present.
- 8 The applicant is advised of the comments below, received from Thames Water. When contacting Thames Water, please use their DTS reference number: 61547.

### Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in

prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwwriskmanagement@thameswater.co.uk](mailto:wwwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.thameswater.co.uk\\_wastewaterquality&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=VbW0ybEbuzGiKTNgmJOWJuwGg0b2j8mwdlhezJanc&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk_wastewaterquality&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=VbW0ybEbuzGiKTNgmJOWJuwGg0b2j8mwdlhezJanc&e=)

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

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=).

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

structures. [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=). Should you require further information please contact Thames Water. Email:

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

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices\\_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=d9skNDUGBRzyo6GbiwqpgWPFn5ca3s5LvOSDjkeiQXM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=d9skNDUGBRzyo6GbiwqpgWPFn5ca3s5LvOSDjkeiQXM&e=)

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

#### Water Comments

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

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. 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 Sean Newton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5166