

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 January, 2020  
04  
19/1305

## SITE INFORMATION

RECEIVED	4 April, 2019
WARD	Preston
PLANNING AREA	Brent Connects Wembley
LOCATION	Preston Library, Carlton Avenue East, Wembley, HA9 8PL
PROPOSAL	Redevelopment of Preston Library including erection of a part 2 to part 4 storey building comprising a library on ground floor and 12 self-contained flats, provision for private amenity space, parking, cycle and refuse storage, new access and associated 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_144760">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144760</a></p> <p><b><u>When viewing this as a Hard Copy</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/1305" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

# INTRODUCTION

## Background Information

The planning committee resolved to grant planning permission on 21 August 2019 for the redevelopment of Preston Library including the provision of a new library and 12 new flats above and to the rear of the new library. Planning permission was granted on 30 August 2019.

An application for permission to challenge the decision (a Judicial Review) was submitted to the High Court on 11 October 2019.

A judicial review of a planning decision to the High Court can only consider the lawfulness of a decision and test whether it was legally right or wrong, such as where the decision-maker (i.e. the local authority) has misapplied the law or policy when determining a planning matter, and as a result, whether the decision-maker's mistake could have made any difference to the outcome of the decision. The High Court does not re-consider the planning merits of the scheme, and if quashed, the planning application is sent back to the local authority to re-determine. The High Court does not determine the application itself.

The claimant in the judicial review claim cited three grounds for their challenge, which are summarised below:

1. Failure to have regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA") and/or to give the development plan statutory primacy;
2. Failure to have regard to relevant development plan policy (mainly CP17) and failure to give reasons for taking an approach inconsistent with other previous relevant decisions;
3. Misconstruction and misapplication of policy DMP19 of the Brent Development Management Policies

The grounds for the challenge were reviewed by officers and a QC legal opinion was sought. The Council did not agree with the first two grounds and did not consider that there was a legal basis for a challenge on these grounds. However, it accepted that the report took an erroneous approach by misapplying policy DMP19 in relation to the assessment of the adequacy of the proposed external amenity space. The report assessed the adequacy of the amenity space on the basis of the average space available per unit rather than the amount of space actually available to each unit as required by policy DMP19. On the basis of this error the application was concluded to be policy compliant in terms of external amenity space when it was not.

In light of the above, the Council agreed that the decision to grant planning permission should be quashed. On that basis the Court allowed the claim for judicial review and quashed the decision to grant planning permission. The Court's decision is dated 28th November 2019.

This effectively means it is now a live planning application again, and is required to be reported back to Planning Committee to re-consider the application afresh and decide whether planning permission should be granted.

## Update on representations

Following the planning consent (which is now subsequently quashed), a further representation has been received from South Kenton and Preston Park Residents Association (SKPPRA). This set out a number of concerns with the assessment of the planning application which are summarised below:

- That the design was not properly considered
- That due regard was not given to the refusal of planning consent for the Twinstar (08/3173) and Preston Road (18/4800) planning application.
- Policy context not properly considered – namely no reference to CP17
- Failure to consider the loss of the community use at the site. Report only considers the loss of the library.
- Inconsistent approach to applying the London Plan small sites policy.
- Errors in calculating the amenity space
- Officers misled the committee on the provisions for parking, using a night time survey of on-street parking from 2013 to justify the amount of daytime off-street parking to be provided in 2019.

- Officers failed to accurately assess overlooking and the effects of privacy on adjoining residents
- Officers failed to accurately assess partial daylight and sunlight study which was not BRE compliant
- Issues raised regarding the construction logistics plan, impact on wider area and whether it is appropriate to secure it by condition

The above matters are expanded upon and discussed in more detail within the main body of the committee report below.

The SKPPRA also raised concerns regarding inaccuracies within the application form. Namely that:

- the applicant did not declare that they are a member of Brent Council (section 24),
- that the site is not within 20m of a watercourse (section 11)
- the application form misapplied part time employment numbers (section 18).

The SKPPRA are of the view that these errors are material and that the application should not have been determined. Reference to another application at 128 Windermere Avenue (13/0166) was cited where errors in the application form were considered to be material.

In response, the errors in the application form were noted. However, consideration was duly given to the materiality of those errors. Section 24 was clearly filled in correctly. However, the applicant was specified as "Brent Council" and it was clear that the proposal was put forward by the Council.

Section 11 relating to presence of a watercourse was not completed when it was subsequently found that a historical watercourse was located near to the site and a buried culvert may be located in the vicinity. However, the Thames Water and the Lead Local Flood Authority were notified of the development and the relevant bodies were therefore notified of the potential presence of a watercourse and could respond accordingly.

Within the application form it was specified that there are 5 part time staff members within the existing library and there will be 5 within the proposed library. Objectors consider this to be incorrect and have specified that the library will not offer any part time employment. However, the number of staff members is not considered to affect the validity of the application.

Objectors consider that the application should have been refused due to the errors within the application form. However, those errors are not considered to materially affect the determination.

### **Notification following the successful claim for judicial review.**

A letter was sent to those who made representations on the original planning application on 24 December 2019 to inform them that the application was subject to a Juridical Review and that the planning permission had been quashed.

The letter highlighted that the planning application is now back with the local planning authority to re-determine, and that the application will need to be reported back to Planning Committee to determine the application.

As the proposal is the same as that previously considered by the Planning Committee, i.e. there have been no changes to the proposal since it was previously determined, the notification set out that the Council would not be undertaking further public consultation, but any comments that have already been previously submitted will taken into consideration.

## **RECOMMENDATIONS**

### **Recommendation**

A. That the Committee resolve to GRANT planning permission.

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

#### **Conditions:**

1. Time limit for commencement (3 years)

2. Approved Plans
3. Affordable Housing
4. Nominations Agreement
5. D1 use
6. Parking and Cycle Spaces
7. Water Consumption
8. No C4 use
9. Disabled Units
10. Considerate Constructors Scheme
11. Flood Risk Assessment
12. Ecological Assessment
13. Training and Employment details required
14. Construction Logistics Plan
15. Non-Road Mobile Machinery
16. Carbon Offsetting Contribution to be Paid through Agreement
17. Soil Contamination Assessments to be submitted
18. Piling Method Statement to be submitted
19. Details of Materials to be submitted
20. Details of Highway Works to be submitted
21. Car Park Management Plan to be submitted
22. CCTV details to be submitted
23. Landscaping Details to be submitted
24. Details of Photovoltaic Panel Arrays required
25. Details of Television Aerial and satellite Dish System
26. Details of any potential Plant Machinery to be submitted
27. Details of screening to the proposed terrace area and balconies
28. Details of Informal Play Area to be submitted
29. Opening Hours
30. Further details of the works to T4 to be submitted

#### Informatives

1. CIL liability
2. Party Wall Information
3. Building Near Boundary Information

4. Notify Highways Service of Intent to Commence Works
5. Guidance Notes from Thames Water
6. London Living Wage Note
7. Fire Safety Advisory Note
8. Any other informative(s) considered necessary by the Head of Planning

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

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

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: Preston Library, Carlton Avenue East, Wembley, HA9 8PL</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is  
indicative only.

## PROPOSAL IN DETAIL

The application is seeking permission to demolish the existing library building to replace it with a development comprising a new library and 12 homes. The proposed replacement would be a part 2, part 4 storey building positioned towards the centre of the site. The library would be located on the ground floor while the rear portion of the ground floor would comprise a two bedroom home. The upper floors would accommodate the remainder of the homes. The proposed residential mix will comprise of 6 x 1bed, 2 x 2bed, and 4 x 3bed homes. All will be affordable rented units.

An undercroft access point would be located towards the south eastern portion of the site and this would provide vehicle access to the proposed parking area. The car park would be reconfigured to provide 6 car parking spaces (5 spaces for residential use with one of these spaces marked for accessible space and 1 for library use). The single storey projection towards the western segment of the development would facilitate a bin and cycle storage. A garden terrace area will be provided at second floor level and would occupy the eastern portion of the new build.

## EXISTING

The application site comprises a single storey building in use as a library (known as Preston Library) located on Carlton Avenue East. It is registered as a community asset by the Council.

The site is not subject to any planning designations but is located within land that is liable to surface water flooding. The site sits just outside the boundaries of Preston Road Town Centre.

To the west and south are existing residential properties and to the east is a car sales garage on Preston Road. The north of the site adjoins rear garden and the service road to the commercial units on Preston Road.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below within the context of the statutory duty contained in section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 1. Representations received:** A number of local representees (67 objections) have been made to this application for a variety of reasons. Officers consider that the proposal is acceptable for the reasons set out in this report.
- 2. Proposed Library:** The proposal results in the redevelopment of the library, but a new library would be provided. The new facility will be smaller than the existing facility in terms of footprint, but will be far more usable and formed of one large space rather than the existing segregated library layout.
- 3. Design, layout and height:** The proposed contextual design and height of the development would provide an appropriate transition between the properties along Preston Road and the traditional two storey dwellings west of the application site.
- 4. Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and is in accordance with the Core Strategy target mix. The flats would have a satisfactory outlook and acceptable light. The amount of external private/communal space complies with DMP19 CHECK and site is also within walking distance from Preston Park.
- 5. Neighbouring amenity:** The proposal would not result in an unduly harmful impact to neighbouring residential properties, having regard to BRE and Council guidance. The overall impact of the development is considered acceptable.
- 6. Highways and transportation:** The scheme would provide suitable provision of car and cycle parking and will encourage sustainable travel patterns. Additional highway improvements will be secured to ensure

the development would not have a negative impact on the existing highway.

**7. Trees and landscaping:** The Tree Officer was satisfied with the relevant tree reports submitted with the application. The loss of the trees on site is considered satisfactory and replacement planting is acceptable.

**8. Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings. Conditions will require further consideration with regards to the carbon off set payment to achieve the zero carbon policy requirement.

## RELEVANT SITE HISTORY

No relevant planning history.

## CONSULTATIONS

Public Consultation

188 individual properties were consulted on the application on 30 April 2019. In addition, a site notice was displayed on 30 April 2019 and the application was advertised in the local press on 9 May 2019.

Objections were received from 67 individual properties, together with an objection from the South Kenton and Preston Park Residents Association (SKPPRA).

A summary of the objections and officer response is discussed below:

Summary of Objections:

Topic Area	Point of Objection	Officer Response
Parking and related transport concerns	6 parking spaces not sufficient and this will result in on street parking within the area.	See paragraphs 64-69
	The development will result in traffic issues at the junction	See paragraphs 62-84
	The development will result in congestion along the nearby highway	See paragraphs 62-84
	The proposal will result in the removal of the existing bus stop.	The proposal is not expected interfere with the existing bus stop.
	Building works always tend to overrun the stipulated period leading to more misery for the residents. Bus diversions will cause inconvenience to the residents who rely on the bus service quite a lot.	Bus diversions are not expected to occur. An updated Construction Management Plan has been requested via a condition.
	The new library will only have 1 parking space. This will be inadequate most of the time, but particularly when there are events at Wembley stadium.	See paragraphs 64-69
	A CPZ should be introduced in the area to off set the impact of this proposal and existing residents have their permits funded by the Council for a	See paragraphs 64-69. It is not considered necessary to introduce a CPZ to mitigate impacts of this proposal.

	3-year period.	
Design	The proposed is not appropriate within the area.	See paragraphs 22-36
	Scale, bulk and massing of the proposed development is not in keeping with the character of the existing street scene.	See paragraphs 22-36
	Scale and design of the development will be entirely out of keeping.	See paragraphs 22-36
	The proposal allows very little space for landscaping and we believe that it would lead to gross over-development of the site.	Elements of soft landscaping will be provided throughout the site.
	The development would lead to the loss of valuable green space.	The existing site currently occupies very little green space and mainly comprises of hardstanding.
	Concerns raised regarding crime linked to the development	The development is considered well designed to ensure high standards of safety.
	The proposed development also affects future development to the neighbouring site.	The eastern flank elevation adjacent to the boundary would not incorporate any flank glazing and as such development would not be hindered at this site.
	The proposal fails to comply with the objectives of SPG17.	SPG17 has been superseded and SPD1 is used by officers for design guidance throughout the Borough.
	Area was originally a conservation area. No regard had to special character of the area	The site is not situated within a Conservation Area.
Library Concerns	Library would incorporate less floorspace when compared to the existing library.	See paragraphs 1-12
	Will the library be available to the Preston Community Library for as long as the Library can run (i.e. indefinite) and that this will be at an agreed peppercorn rent	The planning statement verifies that Preston Community Library will occupy the library.
	Proposed library replacement is simply not fit for purpose, too small, not enough natural light	See paragraphs 1-12

	What provisions have been put in place for temporary accommodation for a library.	Whilst the redevelopment of the library is underway, the library will be temporarily relocated to an interim accommodation (off site) at Ashley Gardens.
	The overall layout and quality of the proposed library is poor.	See paragraphs 1 - 12
	Library should be naturally ventilated as air conditioning not environmentally friendly and would result in noise and disturbance to neighbouring properties.	The library would be fixed glazing and mechanically ventilated with high efficiency heat recovery and summer bypass, please see the Energy Strategy for more information. The plant will be conditioned to ensure that its will not result in excessive noise and disturbance.
	Loss of community facility could lead to increased levels of crime for youth population	Proposal would not result in the loss of existing library.
Impact on Residential Amenities	The additional units will result in an increase in noise levels.	The introduction of the residential units and library use are not considered to result in significant noise levels given the site proximity to the commercial units along Preston Road.
	The proposal would result in overlooking and a loss of light with regards to the rear gardens adjacent to the site	See paragraphs 41-46
	Residents will be disturbed during the construction period, and school children would be at risk when walking pass the construction site.	Refer to Environmental Considerations section of the report.
	Roof terrace provides no natural surveillance of the space (see requirements inSD1). This means that the terrace is susceptible to anti-social activities.	Natural surveillance would be provided from the side facing windows of flat 3.1 (albeit from an oblique angle). Nevertheless, the use of the roof terrace is limited to a relatively small number of homes, and it is considered that a lower level of natural surveillance would be required compared to that required for publicly accessible spaces.

	Proposal would have a negative impact on the rear gardens of the nearby neighbouring properties, including proximity of bin and bike shed.	See paragraphs 37-46. The bin a bike store is adjacent to the boundary, but is under the building and enclosed, with entrances facing the street or the internal vehicle access.
	The development does not comply with the 30 degree and 45 degree angle	See paragraphs 37-46
	Privacy screens should be confirmed to be 1.8m if not higher.	A condition has been recommended by Officers requesting these details prior to occupation.
	The development would result in light pollution to the neighbouring residential properties.	Given the nature of the proposed uses it is not considered that the light generated from the development would have a negative impact on the residents in the area. Preston Road which contains high levels of illumination is situated within close proximity to the residential dwellings along Carlton Avenue East.
Other Matters	There is no clear statement about the type of housing that will be built and who will be moving to the area.	The proposed development seeks to deliver a scheme where 100% of the units will be affordable through onsite provision and the Planning Statement submitted with the application refers to this within point 7.20
	Adjoining businesses will experience loss of light and privacy and are at higher risk of crime	The development would allow for appropriate separation distance with regards to the local businesses east of the site.
	Issues raised with regard to trees on site and within the vicinity of the site.	See paragraphs 85-87
	The consultation has not been satisfactory and not advertised to the public in the correct manner.	The correct consultation has occurred in accordance with legislation and the Brent Statement of Community Involvement.
	Strain on local services such as schools, GPs and dental surgeries	Funding for infrastructure is provided via the Community Infrastructure Levy charged on all new developments
	When building works are carried out, there is the danger	If rodents are an issue during construction then the

	that the rat population might move.	Council's pest control team should be contacted.
	Proposed development construction safety plan showing hording is taking over public footpath and 2 cabins on the highway.	A condition has been recommended by officers requested amendments to this arrangement.
	Amenity space and size of flats provides very poor quality housing which the Council should not be building	See Standard of Accommodation section of the report.
	Issues were raised with regards to a nearby watercourse.	This is would be covered under other legislation raises no material planning implications for the proposed development.
	The development will cause disruption to neighbours.	The Construction Method Statement, Air Quality Assessment and Noise Assessment have outline measures to prevent disruption to nearby residents.
	Matters raised regarding a restrictive convant on the land	This is not a material planning consideration and is a legal matter.
Other	The flood risk assessment does not indicate the location of the soakaway and the impact on the existing surface water systems, nor existing culverts under the site.	Refer to Flood Risk and Drainage section of the report.
	The air quality assessment refers to a different address.	During the course of the application the agent explained that this was typo. Officer's agreed as the main elements of the report make reference to the application site. A revised document was therefore provided during the course of the application.
	The Community Involvement proceedings were not satisfactory.	Officers are of the opinion that the Community Involvement was satisfactory, meeting national and local requirements.
	Reference was made to the previous refusal at the site east of the site. (Ref: 08/3173)	Each application must be considered on its merits having regard to current planning policy and guidance.. The Twinstar proposal (ref: 08/3173) is considered to be materially

		different from this proposal and was considered under different planning policies. This is discussed later in this report.
	The proposal would harm emergency service along the adjacent highways.	Officers consider that the development would not affect emergency service access on the highway.
	Reference was made to refusal at 176 – 188 Preston Road (application 18/4800)	The characteristics of this site are different to that of the application site. Furthermore each site is assessed on its own individual merits. This is discussed in more detail later in this report.
	No details of costs associated with build available for public to view	The submission of a Financial Viability Assessment was not required for this application as 100 % Affordable Housing is proposed.
	Why is council building more housing when Strathcona School is being closed	Planning policy sets out the requirement for additional homes in the borough and the proposal accords with this policy.

An additional objection from the SKPPRA was received following the previous decision. This was discussed within the introduction to this report.

Representations have also received from Cllr Kennelly. These are summarised below:

- The Councillor recognised the benefits of re-providing the library facility to allow its continued operation in the long term,
- The Councillor raises concerns regarding the impact of the proposal upon the privacy of the properties on Longfield Avenue and the need to remove windows/balconies facing onto these properties,
- The Councillor raises concerns that the design of the building is not in keeping with the character of the area and could set a precedent.

These matters have been discussed above, or are covered in the main body of this report.

3 comments from individual properties supporting the proposal was made. A summary of the reasons for supporting the proposal is set out below:

- Proposal will provide much needed affordable housing within the borough in a decent

standard of accommodation

- Site is in a sustainable location close to local amenities, transport links and schools
- Proposal will allow the long term operation of the library to take place on the site in a modernised building

## **Consultee Comments**

### Thames Water:

No objections raised and recommended a condition to be included to any consent requesting a piling method statement.

### Environmental Health:

Raised no objections.

Updated noise report and air quality reports were provided during the course of the application with additional mitigation measures and the Environmental Health Officer was satisfied with these. The Officer requested conditions regarding additional reports in relation to soil investigations studies.

### Flood Risk Consultee:

The officer raised no objections to the proposal.

### Secure by Design Comments:

A number of matters have been highlighted in relation to the refuse arrangements, undercroft will require CCTV cameras, issues raised with regards to the fire exit strategy, Library roof lights need to be LPS 1175 certified with laminated glass on the external side, landscaping plan of the external area in front of the building needs to maximise surveillance from the street both pedestrian and vehicles and a Lighting Strategy is important.

These are discussed within the remarks section.

### Tree Officer:

The Officer was satisfied with the removal and replacement of Trees T1, T2, T3 and T5. With regards to T4 False Acacia, more information was requested in relation to its removal. The Tree Officer was satisfied with the further information and recommended conditions which are detailed below in the list of conditions.

## **Community Involvement**

The NPPF paragraph 40 encourages applicants to engage with the local community before submitting their applications, and Brent's Statement of Community Involvement (SCI) sets out the level of pre-application engagement recommended according to the size of the scheme.

A Statement of Community Involvement was submitted, detailing the activities carried out by the applicant. Meetings were arranged to discuss the scheme with the Local and Ward Councillors and members of Preston Community Library. A one-day public consultation event was held on 18th September 2018 between the hours of 3pm and 8pm. The event was published with a leaflet that was distributed to week commencing 10th September. A total of 375 leaflets were posted to local residents. The leaflet was also available at the Public Consultation, and feedback closed on Friday 5th October 2018.

The outcome of the public consultation was substantially negative.

Preston Community Library were satisfied with the layout of the proposed library.

## **POLICY CONSIDERATIONS**

**As indicated above, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.**

**The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010 and Brent Development Management Policies 2016.**

**Material Considerations include the NPPF, the PPG and the Council's Supplementary Planning Guidance.**

### **London Plan 2016**

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 – Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities
- 5.2 - Minimising Carbon Dioxide emissions
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 7.2 - An inclusive environment

### **Brent's Core Strategy 2010**

- CP1: Spatial Development Strategy
- CP2: Population and Housing Growth
- CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21: A Balanced Housing Stock
- CP23: Protection of existing and provision of new Community and Cultural Facilities

### **Brent's Development Management Policies 2016**

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

### **The National Planning Policy Framework**

#### **Supplementary Planning Guidance 1 - Brent Design Guide**

Brent Waste Planning Guide 2013

The Draft London Plan

In addition, the Examination in Public for the Draft New London Plan has been completed and the Panel

Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

The Regulation 19 consultation for Brent's draft Local Plan has also recently completed and comments of the policies have been assessed. It can only be given limited weight at this stage of its preparation.

## DETAILED CONSIDERATIONS

### Principle

#### Replacement Library building:

1. The site currently comprises of a single storey building that is currently utilised as a community library. It has a floor area of 250sqm. The building was constructed in the 1960s and was purpose built for use as a library. The library was closed in 2011 by the Council and was subsequently used as a temporary school in order to provide sufficient primary school places while the authority developed permanent arrangements.
2. During the period of September 2012 and April 2015, and September 2015 and April 2016 the building was used by Preston Park Primary School and Wembley High Technology College (respectively), to provide 60 reception places, in advance of the permanent expansion of the main school buildings being completed. It should be noted that as both education and library uses fall within use class D1 use, planning permission was not required to use the building for education purposes.
3. The building has more recently been used by Preston Community Library, with a short term license agreed by the Council. The library is open four days a week (Monday, Wednesday, Friday and Saturday), and has up to 5 volunteers who help support the running of the community library depending on the number of activities that are taking place on any given day.
4. The SKPPRA have highlighted that the building and associated external space within the site is used for wider community purposes including occasional community events within the open space areas and the use of the building for a dementia memory lounge
5. The proposal would result in the demolition of the existing library and the redevelopment of the site to include a new library with the introduction of 12 new residential units. The existing building does not have any specific architectural merit and does not have any formal, statutory or local heritage designation that would merit its retention, and as such the Local Planning Authority raises no in principle objection to its demolition.
6. Policy CP23 of the Brent Core Strategy seeks to protect community uses within the Borough. Emerging policy BSI1 also seeks to protect and retain existing community facilities. It includes criteria for replacement facilities that better meet the needs of existing users. It is recognised that opportunities for new community facilities are generally limited as they are unable to compete financially, on equal terms, with the higher land value uses such as commercial, residential or mixed use developments.
7. The proposed development would result in the provision of a new, fit for purpose community use in the form of a new library building, designed and constructed to contemporary standards. The new library would be situated at ground floor level measuring approximately 206sqm. Whilst it is acknowledged that there would be a net loss in floorspace for the proposed library (by 44sqm) over the existing arrangement, consideration needs to be given to the layout and usability of the proposed space. It is

considered that the proposed development would provide an improved and enhanced library and community facility in terms of quality via flexible and adaptable D1 space, which will better meet the needs of the library users. The proposed layout has been designed taking into consideration Preston Community Library's long-term service delivery needs and spatial requirements, along with having contemporary services and facilities. A series of design workshops in collaboration with Preston Community Library were conducted ensuring the layout is suitable and meets their needs. It is considered that the existing library building is of a low quality, and the design and layout of the building does not deliver floorspace of a high enough quality to deliver a successful contemporary library.

8. The new design approach would provide a space that would be better designed, more efficient and more engaging for library users and it is considered that the small decrease in floorspace over the existing library building is considered acceptable in this instance. The re-provision of a modern building with the facilities purpose designed to meet both adopted policy requirements, and floorspace suitable for the local community to use the flexible room for a variety group based activities with scope host activities and events in a more effective and flexible way is a significant benefit of the proposal. Overall it is considered that the new library would provide a new, high quality modern library for the local community.

Library breakdown:

Existing Library	Proposed Library
4000 books	6000 books
IT Space, Main Library and Cinema Area = 103sqm	Main Library, Adaptable Space, Quiet Zone, Adaptable Space = 84sqm
Flexible Space = 51sqm	Flexible Space = 72sqm
Office Space, Kitchen + Welfare = 29sqm	Office Space, Kitchen + Welfare = 17sqm

9. The new library would be able to hold more people given the ability to adapt these spaces in line with requirements. As a result of this space flexibility/adaptability, the library could also accommodate more events being undertaken at the same time. The proposed library would also be mechanically ventilated for its users, and would be a more comfortable environment.
10. The existing library is a designated Asset of Community Value ("ACV"), a designation that recognises the importance of the use to the community and its wellbeing. It is important to note that the designation does not mean that the site cannot be redeveloped but that the local community is given a six-month period to make a bid for the asset should it be sold. Policy CP23 has the overriding aim of protecting existing community facilities. Although the development proposal does involve the loss of the existing library building, and objections to this are noted, it is proposed to re-provide a library on the ground floor. Designation as an ACV does not prohibit any potential redevelopment of the site but instead requires an owner wishing to sell the ACV to give the community six months to raise funds and make an offer - a community right to bid. The application site is not being sold and the re-provision of the library (with the benefit of a more flexible community space) accords with the aforementioned policies.
11. The SKPPRA have commented that they consider that the proposal would result in a loss of community facilities that go beyond the use of the building as a library. They consider that the whole site is a part of the library use, and that the whole site is therefore used for as a community facility. They highlight that community events were held in the open spaces within the site on 6 August 2017 and 12 August 2018. Similarly, the SKPPRA also refer to the use of the existing library by other groups, with reference to the use as a dementia memory lounge, including the use of the car park by dementia sufferers and their carers. The SKPPRA contend that the proposal would result in the loss of more than 800 sqm of community facilities. The permitted use of a site does apply to the whole site, with the outside spaces considered to be ancillary to the main use of the building as a library. They fall within the same use class (D1). However, while the D1 use applies to the whole site, the intermittent use of the open spaces for events is not considered to result in a requirement to re-provide those open spaces or parking spaces in order to accord with Policy CP23. Even if the loss of the ancillary outside spaces could be said to result in the loss of community facility for the purposes of the policy, that loss would be very substantially outweighed by the greater community benefits delivered by the new library when compared with the existing facilities. Further, the re-provided library would also facilitate use by other community groups, such as the dementia memory lounge. Objectors have referenced the need for parking by such users.

However, the reduction in the level of off-street parking for the library use is also not considered to result in a development that would fail to accord with Policy CP23. Parking is discussed in more detail later in this report.

12. The proposal is considered to materially accord with policy CP23 and emerging policy BS11 and is considered to appropriately re-provide community and cultural facilities within the site to compensate for the loss of the existing facilities.

#### Introduction of Residential Uses on the Site

13. London Plan Policy 3.3, in seeking to increase the supply of housing in London, sets borough housing targets, and in Table 3.1 puts the minimum annual monitoring target for the London Borough of Brent at 1,525 additional homes per year between 2015 and 2025. Policy H1 (Increasing housing supply) states that Brent must deliver 2,915 homes per year between 2019/20 to 2028/29. The draft London Plan looks to increase this target to 2,335 new homes per annum and introduces a target of 433 new homes per year on small sites. The draft London Plan has been amended in response to the Panel Report and carries substantial weight

14. In order to deliver sufficient homes, boroughs are expected to optimise the potential for housing delivery on all suitable and available brownfield sites, particularly where sites have a PTAL of 3 or higher or are located within 800 metres of a station. The application site is previously developed land and is situated in an area with good access to local public transport services (PTAL 3). It is also located in close proximity to Preston Road Town Centre. As such given the site's location to public transport and local services the principle of incorporating higher density residential uses at the site is acceptable, and also materially accords with emerging policy BH4.

15. The SKPPRA have commented that the Council objected to the Mayor's proposed small sites housing target due to the effect on local character of high density developments on small sites, and that they consider that these are the exactly the same ground on which objectors oppose the Library development.

16. The Council did object to the Mayor of London's proposed small sites housing target. The proposed housing target was not adequately tested and in the view of the Council, was likely to be unrealistic and unachievable. However, as discussed later in this report, , the proposed development is considered to have an appropriate relationship with its context, and is not considered to be out of scale or character.

17. The general principle of redevelopment the site for mixed use development which includes the re-provision of community facilities and residential units, is considered to be acceptable in line with policy 3.3 of the London Plan and policy CP23.

#### **Housing Mix and Affordable Housing**

18. CP2 of the Core Strategy outlines that 50% of new homes should be affordable at least 25% should be family sized dwellings. The proposal would result in four x three bedroom properties which is considered to be satisfactory and complies with the above policy.

19. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable. Development Management Policy DMP 15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing.

20. The proposal would provide 100% affordable housing, with all 12 units as affordable rent, specific to the Council's needs. The affordable housing offer does not include intermediate housing, however officers do appreciate that the housing mix is Council led and responds to the specific needs of the Council's

tenants. Whilst no intermediate affordable housing is provided, officers consider that the 100% provision of affordable housing more than meets the requirements of policy DMP15 and no scrutiny of scheme viability is justified in supporting the proposal.

21. Policy CP21 seeks to provide 25% of units within schemes of 10 or more units as three bedroom units. Four of the units will be three bedroom units, accounting for 33%, and thus complying with CP21, and emerging policy BH6.

### **Design, Character and Impact on Street Scene**

22. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced within emerging policy BD1.
23. SKPPRA have specified that the Council has failed to consider the proposal in relation to Policy CP17 (Protecting and Enhancing the Suburban Character of Brent), and highlight that this policy was not referred to within the original committee report.
24. The principal objective of policy CP17 is to preserve the character of suburban housing that is distinctive of Brent. The policy makes reference to design guidance to provide a means to protect the suburban character. Furthermore, regard should be given to policy DMP1 as set out above.. Supplementary Planning Guidance 1 - Brent Design Guide, is the adopted Design Guide., and is entitled to be given significant weight in the assessment of the application.
25. The application does not propose development which would either erode the character of suburban housing, the use of garden space or an infill plot, which policy CP17 is directed at. As such, there is no conflict with the policy. Policy DMP1 of Brent's Development Management Policies 2016, states that development will be acceptable provided it is:  
"(a) of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality".  
As such, the development involves no conflict with the design policies of the development plan.

### Height, Bulk and Mass

26. The proposed height (varying from two to four storeys) is considered to be acceptable and the stepped design approach along the western segment of the development would respect the traditional two storey built form further west of the application site. The fourth storey would also be set back to an appropriate level which would break up the overall bulk and mass of the development. It is considered that the proposal would result in a building that would act as suitable transition between the larger built form along Preston Road and the traditional two storey dwellings along Carlton Avenue East.
27. It is considered that the introduction of balconies with the stepped design and set back elements would further break up the bulk and mass of the building, while also providing private outdoor amenity space for residents. It is considered that the proposed building would also respect the established building line to the west of the site and would be set back from the highway by a satisfactory distance. The properties within the area contain varied rear building lines and therefore it is considered that the depth of the development would not appear out of character. The use of contrasting materials would also break up the visual appearance of the building. This design approach would provide a clear distinction and definition between the library element and residential uses.
28. The new building would be constructed using contextual and traditional materials. The material palette has been inspired by the existing red brick library building and the surrounding buildings. The material palette proposed consists of warm red stock brick, metal cladding façade panels, metal windows and glazed terraces. It is recommended that a condition (Condition 19) is secured to provide samples of external materials as part of any forthcoming consent.

### Layout

29. The proposal would include entrances to the residential units and the library to the front which would be welcoming for users. The entrances would be differentiated due to the façade treatment and contrasting materials. In addition to this an access ramp would be provided to the front elevation to provide disabled access, and access for those with mobility impairments. It is considered that the entrances would provide a clear and distinct entry point to the community and residential uses and would provide access for all users.
30. The gated access to the bin storage area would ensure that both storage areas are as secure as possible. The gates, both for the pedestrians and the vehicles, would be managed by the users of the building: operated via a fob from the resident's vehicle to open and close or by the library staff using the manual or fob controls. The flank glazing along the eastern flank elevation of the ground floor would contain fenestration which would provide natural surveillance to users of the car park area.
31. In response to feedback provided by the Secure by Design Officer, it is recommended that conditions are secured for details of CCTV within the undercroft area, an external lighting strategy for the site, and a defensive planting strip provided in front of the ground floor residential unit facing onto the car park area.

#### Comparison of scheme to other planning applications in proximity to application site

32. The SKPPRA have highlighted concerns that due regard has not been given to the refusal of planning consent for the Twinstar (08/3173) and Preston Road (18/4800) planning application. They consider that the schemes are comparable to the library in that they have similar design features including blank gable wall, top floor set back (Twinstars) and the buildings step down to the surrounding context. They contend that the Preston Library should have also been found to be unacceptable on design grounds.
33. The Twinstar application included a large flank façade with limited articulation to the west. While the element adjacent to the library is lower by one floor, the relationship is abrupt and accentuated by the lack of architectural detail within that wall. The approach to design, detailing and materials differs significantly from the library proposal. Likewise, the Preston Road scheme was refused in part due to its poor design. The relevant reason for refusal cites the "contrived and excessively prominent appearance of the gable end feature".
34. Whilst the Preston Library Scheme does include flank walls without fenestration, this elevation is visually articulated through the use of recessed brickwork, steps in the façade, fenestration and varied materials, including the varied use of brickwork together with contrasting materials.
35. The design and elevational treatment of the two proposals is considered to be materially different in comparison to the Preston Library scheme. As discussed above, the massing, layout, design and detailing of the proposal building is considered to be acceptable in the context of the townscape and having regard to policy.
36. The proposed development is considered to be well designed, paying an appropriate regard and relate well to the surrounding context, in accordance with Policy DMP1

#### **Impact on Existing Residential Amenities**

##### Outlook and Overbearing Appearance

37. The Councils SPD1 outlines that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of two metres above floor level. Furthermore where a proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. This is to ensure that a development does not appear overbearing from neighbouring rear habitable room windows and gardens.
38. The closest residential properties are "The Corner House" and "Henrietta" located on Longfield Avenue. Section plans have been provided that demonstrate that the proposed building will not infringe the 30 degree line taken from the rear windows of these properties.

39. The proposal does not infringe on 45 degree line from the edge of the western flank elevation of garage directly west of the application site adjacent to "The Corner House" but slightly infringes on 45 degree line from the edge of the rear garden of "Henrietta" (by approximately 1m and 1.5m). However, this slight infringement is not considered a justified reason for refusal given the substantial separation distance between this neighbouring property and the proposed development.
40. Whilst the application site does not directly adjoin the rear garden of No. 2 Longfield Avenue (separated by a passageway), the section plans demonstrate that the building would comply with the 45 degree angle measured from the side boundary of this neighbouring property.

#### Privacy

41. To maintain acceptable levels of privacy to adjoining occupiers, a minimum distance of 9m should be maintained from habitable room windows to the boundary with adjoining rear gardens, and a distance of 18m between directly facing habitable room windows. This is set out in SPD1. The upper floor windows would maintain a minimum separate distance of approx. 14m to the boundary with the rear gardens on Longfield Avenue (Henrietta) and a minimum distance of approx. 25.5m between directly windows (i.e. to rear of Henrietta). A distance of approx. 17m would be maintained to the boundary with the rear garden of No. 2 Longfield Avenue.
42. The balconies located towards the north western portion of the site (i.e. closest to No. 2 Longfield Avenue) would be directed towards the rear portion of the rear garden of the neighbour directly north of the site. Whilst there is a degree of overlooking at an oblique angle into the bottom of the rear garden of No. 2 Longfield Avenue, an alleyway separates the sites and the oblique nature of overlooking is typical of that experienced between houses at upper floor levels. As such, it is not considered that unduly harmful overlooking would occur.
43. Officers have recommended a condition (Condition 27) requiring that screening is provided to prevent any potential overlooking linked to the proposed terrace amenity area. Overall it is considered that the development would allow for sufficient separation distances between neighbouring properties and would not appear overbearing or result in a substantial loss of light to properties within close proximity of the application site.
44. SKPPRA have raised concerns that the original committee report has failed to accurately assess overlooking and the effects of privacy on adjoining residents. However, officers consider that the potential impact on privacy has been appropriately assessed and that the proposal will not result in an unacceptable effect.

#### Daylight and Sunlight

45. All nearby existing residential units (including "Corner House", "Henrietta", Nos. 2 to 8 Longfield Avenue, 131 - 137 Carlton Avenue East and flats above commercial units on Preston Road) will maintain acceptable levels of daylight and sunlight. The submitted BRE guidance based Daylight and Sunlight report demonstrates that levels of "Vertical Sky Component" will continue to be at least 0.8 times their former value and that sunlight will accord with BRE guidance. The Daylight Distribution test (also known as "No Sky Line") has not been run. However, having evaluated the submitted plans and elevations, officers consider that the scheme will fall below the 25 degree line (taken from the mid-point of nearby windows) and further testing of daylight is not required in these instances to meet BRE guidance. Two windows of the adjoining car sales premises will not pass the 25 degree test. However, in this instance, officers consider that a greater level of impact on the light received by these windows was acceptable given the use of the adjoining site (for car sales) and further testing of daylight distribution was not considered to be warranted. The proposed development is likely to project above the windows and glazed doors in the rear elevation of the single storey extension to an adjoining dwelling (Henrietta). Both the Vertical Sky Component and the No Sky Line tests have been run on these windows. The Level of Vertical Sky Component comfortably meets the standards (levels between 34.65 and 35.54 % compared to a standard of 27, and variation factors of 0.87 to 0.88 compared to a target of 80 % of its former value). The No Sky Line test also accords with BRE guidance, with levels modelled at 0.89 times the former value. The submission demonstrates that the proposal will accord with BRE guidance in terms of potential impact on gardens / open spaces.
46. On balance, the proposal is not considered to have an unduly adverse impact on levels of daylight and sunlight to surrounding properties.

## Standard of Accommodation

### Residential Living Standards:

47. DMP18 outlines that the size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. The Mayor's Housing SPG also requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.
48. The proposed units would meet required floorspace standard requirements. It is noted that a high proportion of the proposed residential units would indeed exceed the minimum floorspace requirements. Based on the layout of the units and the stacking proposed it is considered that the proposed flats would have adequate outlook and access to both daylight and sunlight. The majority of homes would be dual aspect, with 4 of the 12 units being single aspect units. The single aspect units would face in a southerly direction and are smaller units (one bedroom units only), with large opening windows and terraces. It is considered that the single aspect units would receive good levels of outlook, along with an acceptable level of natural ventilation.
49. The Energy Statement submitted with the application outlines that dynamic overheating modelling was undertaken in line with the guidance and data sets in CIBSE TM59 and TM49 respectively. Methods to mitigate overheating, including natural ventilation, solar control and standard extract ventilation were tested, leading to all bedrooms and most living/kitchen rooms passing. Overall on this occasion the south facing single aspect units are considered acceptable.
50. The Sunlight and Daylight assessment outlines that the majority of windows tested are shown to have VSC values greater than the 27% guidance threshold for good daylight. It is noted the windows located within inset balconies would not meet the required standards however this is considered acceptable as the balconies provide the benefit of private external amenity space to any occupants of the flats, and without the balconies the windows would easily meet the BRE guidance. There are some windows which do not meet the BR 209 recommendations for sunlight but these windows serve rooms which benefit from an additional window which does meet the recommendations.
51. The Mayor's Housing SPG advises that no more than eight units per floor should be accessed from a single core, to prevent an impersonal and unneighbourly character from developing. The proposed development complies with this and the general layout is considered satisfactory for future residents.

### Accessible and Adaptable Units

52. The proposed residential units would accord with Building Regulations requirement M4(2) for 'Accessible and adaptable dwellings', and 10% would meet M4(3), to be wheelchair accessible, or easily adaptable. The agent has outlined that unit 1.0 will be an easily adaptable unit. A condition is recommended ensuring that this is adhered to.

### Amenity Space

53. Policy DMP19 states the following:  
*"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."*
54. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20sqm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy which provides that:  
*"10.39 New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".*
55. The wording of the policy means that there is more than one means by which the policy requirement for

sufficiency may be met and this includes, where necessary and appropriate, the use of communal amenity space. Furthermore, the reference to "normally" within the policy, allows for a departure from the target of 20sqm and 50sqm respectively, without giving rise to a policy conflict.

56. The SKPPRA have raised concern with the external amenity space being miscalculated within the original committee report. The committee report made reference to 24sqm per unit and being in line with DMP19. However, this represented an average and not the amount available to each home. It is accepted that the committee report had incorrectly concluded that the proposal would result in amenity space provision of 24sqm per unit, which would suggest that it exceeds the levels set out in policy.
57. This has been recalculated and it is recognised that there would be an overall deficit of 39sqm of amenity space below Policy DMP19 levels for the proposed development. This is also materially in accordance with emerging policy BH13.

58. A table breaking down the amenity space per flat is set out below:

Unit	Floor	No. beds	Standard	Private amenity	Shortfall
1	Ground	3	50	105	
1.1	1st	3	20	10	10
1.2	1st	2	20	7	13
1.3	1st	1	20	5	15
1.4	1st	1	20	5	15
1.5	1st	1	20	5	15
2.1	2nd	3	20	10	10
2.2	2nd	1	20	5	15
2.3	2nd	1	20	5	15
2.4	2nd	1	20	5	15
3.1	3rd	2	20	18	2
3.2	3rd	3	20	58	
Total					125
Communal space					86
Shortfall					39

59. It should be noted that the family housing amenity space requirement makes specific reference to "including ground floor flats". As such, it is considered that the 50 sqm standard relates to ground floor flats only. However, should one interpret this policy to include all provision of family homes, the shortfall would increase to 99 sqm.
60. Objectors also question the quality of the amenity space for the ground floor flat, which has a fire exit (from the library) which opens onto it. The presence of a fire exit is not considered to result in a poor quality of external amenity space given the likely (low) intensity of use of this exit.
61. While there is a shortfall below the level set out in policy, all units have private external amenity space of at least 5 sqm, have access to the communal roof terrace. The site is also approximately 430 m from the entrance to Preston Park which will supplement the on-site amenity space. As such, the quality of accommodation is considered to be good and the shortfall below Policy DMP levels is considered to be acceptable.

### Transport Considerations

62. Carton Avenue East has traffic calming measures, including a speed table along the front of the site. It is designated as a local residential access road, but also serves one bus route.
63. Carlton Avenue East does not generally have parking restrictions, but it is within the Wembley Stadium event day zone, whereby parking is restricted to residents' permit holders only on event days. There is a marked parking bay with four spaces along the site frontage. It is not noted as being a heavily parked street at night, although this part of the street is likely to experience some parking pressure during the day due to its proximity to the Preston Road neighbourhood centre and Preston Road station. The site

has a PTAL rating of 3.

### Car Parking

64. The existing library falls under use class D1 and under the parking standards set out at Appendix 1 of the Council's adopted DMP, the maximum car parking allowable is 1 space per 10 visitors/staff at any one time. It is not likely to result in a significant allowance of car parking. The library currently has 5 marked bays to the rear and there is little evidence that these are currently much used for parking. Objectors have said that some library users, such as the Memory Lounge, require higher levels of parking. The Council recommends and supports the use of non-car modes of access to facilities such as libraries instead of car access. This is consistent with emerging policy BT1. However, it is recognised that some library users and other visitors to the town centre may need to drive. One parking space is proposed for the library. However, there are other on-street spaces, including pay-and-display spaces in the vicinity of the site. Additional spaces could be changed to pay-and-display spaces should these be required in the future. This could be undertaken by the Council as Local Highway Authority should the need arise.
65. The maximum car parking allowances for residential units are 1 space per 1-1/2-bed flats and 1.5 spaces for 3-bed units. However, it should be noted that as the proposal is for affordable rented housing. It is generally assumed that affordable housing generates parking demand at only 50% of the maximum parking allowance, which would suggest that seven cars would be owned by residents of these 12 proposed flats. Emerging policy BT2 (and Appendix 4) seeks to further reduce parking allowance to be consistent with the emerging London Plan and provide a maximum of 0.75 spaces per unit.
66. The submitted plans indicate that 6 car parking spaces would be provided. This is within maximum standards. Consideration nevertheless needs to be given to the potential impact from overspill parking. It is considered that the proposed provision of 6 spaces within the site for the 12 flats, plus up to four spaces on-street along the street frontage, would be sufficient to meet likely demand.
67. Overnight parking surveys indicate that Carlton Avenue East is not a heavily parked street, with the car parking occupancy at night observed at 35% of the available space for the street as a whole, falling to just 11% in the vicinity of this proposed development (i.e. only one car was observed parked in the 9 available bays along the length of street between Preston Road and Longfield Avenue fronting the library at the time of the survey).
68. Whilst the above overnight parking time survey of on-street parking was taken from 2013 (rather than more recently), officers are of the view that this information is sufficiently robust given that levels of parking were low within 2013 surveys and are unlikely to have increased to levels that would warrant further night time parking surveys to evaluate the potential impacts of overspill parking associated with the residential dwellings that are proposed.
69. It is not therefore considered that the development would be likely to create any significant parking problems on-street in the vicinity of the site.

### Access Arrangements

70. The proposed access to the car parking area would be relocated from the east of the site to the west of the site and would entail an undercroft passage through the building to the car parking area at the rear. The width of the access would allow cars to pass one another and suitable headroom is shown for cars and small delivery vehicles to access the parking area.
71. The submitted Transport Assessment includes tracking diagrams demonstrating how vehicles can access the parking spaces. The adjoining pedestrian access to the proposed secondary entrance to the flats is proposed to be at the same level as the driveway, but demarcated with contrasting materials to highlight its use by pedestrians, which is acceptable.
72. The new access arrangements will require a new crossover towards the western end of the site. This will slightly overlap with the speed table on Carlton Avenue East, so minor accommodation works to the table or adjustments to the design of the crossover such as reducing the radii may be required to ensure they do not compromise one another
73. The existing crossover will become redundant as a result of these works and will need to be reinstated to footway and verge at the developer's expense. In addition, the parking bay fronting the site will need to

be reduced in length to accommodate the new access. All crossover and parking bay works would need to be undertaken prior to occupation of the development.

74. The above highway works are recommended to be secured by condition.

#### Cycle Parking

75. The residential cycle parking would also be accessed through the vehicular access, within a covered and secure store. The store has provision of 24 bicycles (through double stacked arrangement), which exceeds the minimum requirement for 18 spaces associated with 12 flats.

76. Two 'Sheffield' stands providing space for 4 cycles would be provided for visitors to the Library and this is considered to be an acceptable provision. These are shown on the footway of Carlton Avenue East though and should be repositioned within the site boundary. Such details are recommended to be conditioned to any forthcoming consent.

#### Refuse Facilities

77. Brent's Waste Guidance Document requires a scheme of this size to provide 1,320l for residual waste, 1,320l for dry recycling and 276l for food waste for the residential units. The bin store is located next to the car park and has sufficient capacity to accommodate the required number of bins. The bin store is also located within 30m from the flat entrances and would comply with the waste guidance. Whilst the bin store marginally exceeds 10m carrying distance for 1100l bins, the scheme has been reviewed by the waste officer who has confirmed that it will be situated within suitable distance from Carlton Avenue East kerbside where refuse vehicles can stop, so would be acceptable. Amendments were provided during the course of the application demonstrating separate areas provided for the residential and library refuse. A lock will be provided for the bins allocated for the library to prevent residents using these bins.

#### Servicing Arrangements

78. The proposed vehicle access to the car parking area at 4.8m width, would allow for a vehicle servicing the flats (perhaps making a home delivery of groceries) to temporarily park and still allow cars to pass. The DfT in 2009 in a report on internet shopping assessed that this would result in trip rate level of 0.075. A trip rate of 0.1 per residential unit for service vehicles would result in 1.2 vehicles per day and it is considered the site could comfortably cope with this demand.

#### *Trip Generation and Accident Records*

79. Based on surveys of other residential and library developments, the residential flats and library are estimated to together generate a total of 7 two-way vehicle movements in the AM peak and 11 two-way vehicle movements in the PM peak, which is not considered to be significant enough to have any noticeable impact on the local road network. Overall the estimates of the predicted vehicle trip generation are considered to be robust.

80. The Transport Assessment includes traffic collision and personal injury data. No collisions have been identified on the 300m stretch of Carlton Avenue East between Preston Road and College Road during the latest 5 year period available, although Preston Road has experienced a number of personal injury collisions during this period. Given the nature, intensity and location of the proposed development, it is not considered that the proposals would have a detrimental impact on the safety of the adjoining highway network.

#### *Arrangements During Construction Works*

81. A draft Construction Logistics Plan has been submitted and reviewed by highways officers. They have raised concerns relating to the proposed site set up plan which would result in the erection of hoardings extending onto the highway including the positioning of portacabins on carriageway. The proposed arrangement would have a highway safety impact, would have an impact on the operation of the highway by reducing the width of the road to an extent which would require more traffic management than they are proposing and potentially restrictive vehicle access to residential properties on the south side of Carlton Avenue East.

82. SKPPRA argue that in light of the above concerns, the National Planning Practice Guidance (NPPG)

specifies that a condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity. They go on to specify that the proposal should have been refused as it cannot be constructed within the confines of the site and would cause unreasonable disruption. They also say that the case officer was advised that the crane would be erected on top of the culvert and would be a danger, but that this has not been taken into consideration.

83. The Construction Logistics Plan (CLP), incorporated within the Construction Method Statement (CMS) that was submitted as part of the planning application, was found to be unacceptable. While the NPPG specifies that a condition requiring the re-submission and approval of details that have already been submitted as part of the application is unlikely to pass the test of necessity, that will principally be where the submitted details are acceptable.
84. Implementation of the original CLP would be likely to have an unacceptable impact. However, there is sufficient basis to conclude that an acceptable CLP can be devised and, as such, it is both appropriate and necessary to require the submission of a revised CLP (as recommended within condition 14) prior to the commencement of works in order to allow the planning benefits associated with the scheme to be achieved whilst ensuring that unacceptable impacts do not occur. This is considered to meet the relevant tests.

### **Tree Considerations**

85. The Tree Officer was consulted during the course of the application and raised no concerns with the removal of and replacement of Trees T1, T2, T3 and T5. Replacements for T1, T2 and T3 are recommended to be native species offering a range of attributes and seasonal interest such as attractive flower, bark and foliage. With regard to T4 False Acacia additional information was requested with regards to the crown spreads. This was due to the proximity of the tree to a retaining wall, and the need to accurately assess the root survey of the tree in relation to this retaining wall, in the unlikely event that the roots have passed under this wall. An updated Tree Report was submitted to take this into account and set out the methodology to check for any roots in the form of either root radar, air spade or hand dig excavation. In the event that any roots are found on the far side of the retaining wall, the 'no dig construction' paving and tree protective fencing would be extended to cover this extended area. The Tree officer also requested further information on the extent of the pruning of T4 including the height to which the reduction would be required together with some annotated photos of branches to be cut back.
86. The tree officer has reviewed the updated report and found it to be generally acceptable. This included further information on the pruning works to T4 as set out above, the tree officer recommended a further condition for the results of the trial pit within the RPA of Tree 4 and supervision works for the removal and replacement of surfacing around T4 to be secured as a pre-commencement condition.
87. Protection for the remaining street Lime (T6) is acceptable although more comprehensive specification would be secured by condition including the hand dig spec to remove paving and replacing this with grass. The scheme is considered to materially accord with emerging policy BG12.

### **Environmental Health Considerations**

#### Noise

88. A noise report has been provided with the application and reviewed by officers in Environmental Health. The Environmental Health Officer was satisfied with the information provided, and mitigation measures for the proposed residential uses are sufficient.

#### Air Quality

89. London Plan Policy 7.14 requires development to make provision to address local air quality problems particularly within Air Quality Management Areas, to promote sustainable design and construction, to be at least 'air quality neutral'. The air quality assessment has been reviewed by Environmental Health and considered to be acceptable. It highlights that the scheme will be air quality neutral.

#### Construction Noise and Dust

90. Environmental Health have requested that a condition is secured for details of a Construction Method Statement (CMS) to include details of measures to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during

construction and demolition works.

### Contaminated Land

91. The Environmental Health Officer reviewed the submitted desk top contaminated land assessment. The conclusion of this report is that a Phase 2 assessment is required and the conditions are recommended for additional studies to be provided once the existing building on site has been demolished.

### **Energy and Sustainability**

92. Major residential developments are expected to achieve zero carbon standards in accordance with London Plan Policy 5.2, which requires an Energy Assessment setting out how these standards are to be achieved. Specifically, a 35% reduction in carbon emissions compared to the 2013 Building Regulations baseline should be achieved on site and any shortfall in achieving zero carbon emissions would need to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £60, payable over 30 years. The corresponding target for non-residential floorspace is a 35% reduction including off-site financial contributions.

93. The design adopts passive design measures to reduce energy demand. This includes using high performance building fabric with low U-values and low design air permeability, and natural ventilation for the residential elements. Energy efficient mechanical and electrical services have been designed into the scheme including low energy light fittings, high efficiency heating and ventilation systems with low specific fan power. The proposed passive design and energy efficiency measures would reduce the emissions by approximately 1.3% reduction using SAP 2012 carbon factors.

94. All available renewable energy technologies were also considered. Photovoltaic (PV) modules were found to be the most feasible technologies. It is proposed that 17.9 KWP of PV will provide a further 34% reduction in carbon dioxide emissions, leading to a total carbon emissions reduction of 7.59 tonnes of CO<sub>2</sub> savings which is equivalent to a 35.3% reduction in carbon dioxide across the whole development. This includes a 4.65 tonnes of carbon dioxide savings equivalent to a 35.4% carbon emissions for the residential elements, and a 2.9 tonnes of carbon dioxide savings for the library equivalent to a 35.2% carbon emissions reduction. The shortfall in zero carbon for the residential units will be offset through the Council's carbon offsetting fund. For the non-domestic element (the communal library), no cash in-lieu contribution is required.

95. The Energy Strategy Report demonstrates that active cooling was tested on the Library which allows it to pass the TM52 overheating criteria, hence allowing comfortable conditions in extreme hot summer weather. Therefore the ventilation arrangements for the library would be acceptable for a potential library users.

### **Ecological Considerations**

96. A preliminary Ecological Appraisal was submitted to support this application. This included a desk study and a Phase 1 Habitat Survey. The appraisal identified that there are no sites with statutory protection within 1 km of the site, and no sites with non-statutory protection within or adjoining the site. It highlighted that there are eight Sites of Importance for Nature Conservation within 1 km of the site and 1 Local Nature Reserve. It also noted that the Natural England Magic website indicates that there are isolated areas of Priority Habitat inventory 'Deciduous Woodland' and similar areas listed as National Forest Inventory – Broadleaved within 1 km. All designated areas are over 350 m from the site. Records of habitats, flora and fauna within 1 km were evaluated, and the tree species that are on site were noted.

97. The appraisal evaluated records of species within a 1 km radius of the site and the presence of species or habitats on site. Two bat species records were noted in the search area, with the closest being 600 m

from the site. A bat survey was also submitted and is discussed later in this report. No records of badgers were present on the GiGL database, and no evidence of badger was noted during the site survey. There were no records of Water Vole in the vicinity, and no opportunities for Water Vole on site. There was 1 protected species mammal record (Hedgehogs) within 1 km, with the most recent record from 2002. 6 protected species of birds were recorded in the 1 km search area, with no records on site. The appraisal noted that a single mature tree on-site and larger ornamental shrubs provided some limited foraging and nesting habitat, but no nests were recorded. The appraisal recorded two protected species within the 1 km area, but no ponds or other suitable features on site. With regard to reptiles, the appraisal notes two protected species within 1 km, but no evidence of presence on site and no suitable locations for hibernation. With regard to invertebrates, the appraisal notes that habitats on-site provide limited opportunities for a range of invertebrate species, but that it is unlikely that the site supports a diverse or notable invertebrate population.

98. The following avoidance / mitigation and/or compensation measures were recommended:

99. The retention of the False Acacia tree if possible;

- Construction works that would disturb nesting birds should not be undertaken during the breeding season (March – August);
- New shrub and tree planting should incorporate species which offer foraging and nesting opportunities;
- A preliminary bat roost assessment was also recommended, which was undertaken and is discussed subsequently in this report.

Some ecological enhancements were also recommended within the ecological appraisal, including: tree and shrub planting including a diverse mix of species, bat roosting opportunities, external lighting to be designed to angle downwards with relatively low night time levels, bird nesting opportunities and that boundaries should remain permeable for hedgehogs with suitable access holes.

- A preliminary bat roost assessment was submitted with the application and it was noted that the building was well sealed throughout with no potential entry points for roost features. Therefore the building does not have the capacity to support bat roost. Therefore no further survey work will be required prior to any works. The assessment concluded suggesting that tubes should be fitted in suitable locations to enhance the roosting habitats available to bats. It also recommended that any new external lighting should be designed to ensure that lights are angled downwards and night time levels are relatively low. It also specified that green or brown roofs should be incorporated if possible to improve invertebrate habitat and therefore the foraging resource of the site for bats. With regard to the latter, the Design and Access Statement details a green roof above the bike/bin store. The assessment demonstrated that the site is predominantly covered by hardstanding and the onsite habitats are not rare or irreplaceable and provide limited value for ecology. The report concluded that no further survey work will be required prior to any works or demolition.

100. The proposed development is considered to be acceptable in relation to ecological impact subject to the implementation of the mitigation and enhancement measures identified within the submitted reports. Conditions are recommended to secure the implementation of these measures. However, it is noted that the permeability of boundaries may be outside of the control of the applicant, so the enhancement measure to increase permeability for hedgehogs should only be required if feasible and the development would continue to be acceptable in the absence of this enhancement.

## **Flood and Drainage**

101. Whilst the site is located within Flood Zone 1 area with a low risk of flooding (as defined by the Environment Agency), it is within land that is liable to surface water flooding. In response, resilience flood measures are outlined within the report and will be adopted as part of the scheme. The document has been reviewed by Brent's Local Lead Flood Authority who notes that the proposal includes permeable paving and a storage tanks within the site to regulate surface water discharge from the site.

The proposed surface water discharge will be restricted to 2 litres per second and this will reduce the flow into the existing surface water sewer network and will drastically reduce the existing flood risk of the site. The details of the report shall be secured by condition.

**Thames Water**

102. Thames Water raised no objections to the proposed development. It was requested by Thames Water to include a condition requesting a piling method statement and additional informatives.

**Fire Safety**

103. Fire Safety is formally considered at Building Regulation stage. However the applicants have provided a fire safety strategy within their planning submission. The main entrance to the library area from Carlton Avenue is the primary means of escape and a secondary means of escape is also provided from the northeast elevation. These exits are fully autonomous from the residential unit's escape route.

**Density**

104. London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and public transport capacity. Draft London Plan Policy D6 seeks a design-led approach to density, based on an assessment against the housing standards within Policy D4 and the long-term management proposals for higher density developments. The application site has PTAL of 3 and the proposed density of 330 habitable rooms per hectare occupying the site is considered acceptable for this site.

**Equalities**

105. 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).

**Summary**

106. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions. The levels of external amenity space within the proposed development do not accord with those specified within Policy DMP19. However, given the level and quality of amenity space proposed and the proximity to nearby public open space (Preston Park), the quality of accommodation for future residents is considered to be good. The limited conflict is substantially outweighed by the very considerably benefits of the proposed development.

**CIL DETAILS**

\*\*\*\*\* Check figure with CIL Team tomorrow, include existing 250sqm in calculation or not? Proposed resi floorspace = 1026sqm \*\*\*\*\*

This application is liable to pay **£305,720.95** \* 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): 250 sq. m.

Total amount of floorspace on completion (G): 1232 sq. m.

Use	Floorspace on completion	Eligible* retained floorspace	Net area chargeable at rate R	Rate R: Brent multiplier	Rate R: Mayoral multiplier	Brent sub-total	Mayoral sub-total
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	(Gr)	(Kr)	(A)	used	used		
(Brent) Dwelling houses	1026		817.8	£200.00	£0.00	£246,800.95	£0.00
(Brent) Non-residential institutions	206		164.2	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	1026		817.8	£0.00	£60.00	£0.00	£49,068.12
(Mayoral) Non-residential institutions	206		164.2	£0.00	£60.00	£0.00	£9,851.88

BCIS figure for year in which the charging schedule took effect (Ic)	224	338
BCIS figure for year in which the planning permission was granted (Ip)	338	
<b>TOTAL CHARGEABLE AMOUNT</b>	£246,800.95	£58,920.00

\*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: 19/1305

To: Meyer  
GL Hearn  
Vantage Point  
Hardman Street  
Spinningfields  
Spinningfields  
M3 3HF

I refer to your application dated **04/04/2019** proposing the following:

Redevelopment of Preston Library including erection of a part 2 to part 4 storey building comprising a library on ground floor and 12 self-contained flats, provision for private amenity space, parking, cycle and refuse storage, new access and associated landscaping.

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

at **Preston Library, Carlton Avenue East, Wembley, HA9 8PL**

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: 14/01/2020

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

### Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

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

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

CONDITIONS

- 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):

Approved Plans:

A10005454-01

A10005454-02

B1 02 2200 Rev. 01\*

B1 02 2201

B1 02 2202

B1 02 2203

B1 02 2204

B1 04 2200

B1 04 2201

B1 04 2202

B1 04 2203

B1 05 2200

MP 00 1200

MP 00 0200 Rev. 01

MP 00 0002

PPW 02 Rev. A (Tree Survey Drawing)

PPW 03 Rev. A (Tree Survey Drawing)

PPW 04 Rev A (Tree Survey Drawing)

Approved Documents:

Sustainable Checklist

Statement of Community Involvement

Ecological Appraisal prepared by Weddle Landscape Design

Bat Assessment prepared by Weddle Landscape Design

Noise Report conducted by Stroma

Transport Assessment prepared by Local Transport Projects

Utilities Assessment Report prepared by Pinnacle ESP

Planning Statement prepared by GL Hearn

Energy Assessment prepared by Pinnacle ESP

Flood Risk Assessment conducted by PEP Civil & Structures Ltd

Design and Access Statement prepared by 5plus Architects

BREEAM Pre-Assessment Report prepared by Stroma

Air Quality Assessment prepared by HRS Services Ltd

Aboriginal Impact Assessment and Aboriginal Method Statement (Rev. A July 2019) prepared by Weddle Landscape Design

Geo-Environmental Risk Assessment prepared by Delta Simons

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

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

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

- 4 The proposed D1 library use shall occupy the ground floor as per the approved ground floor plan and shall only be used for community events and community activities and for no other purposes within Class D1 of the schedule to the Use Classes Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the use remains appropriate for the site location and to ensure

that the standards applied to the consideration of the approved.

- 5 The approved parking spaces, cycle storage facilities and bin storage facilities shall be installed and made available for use prior to first occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved.

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

- 6 The buildings shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

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

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

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

- 8 Units 1.0 shall be constructed/easily adaptable to wheelchair accessible requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

- 9 No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

Pre-commencement reason: The considerate constructors scheme is designed to govern practices during the construction and therefore needs to be arranged prior to the construction works being carried out.

- 10 The development hereby approved shall be carried out in full accordance with the details submitted within the Flood Risk Assessment prepared by PEP Civil and Structures Ltd dated February 2018 and shall be adhered prior to occupation of the development.

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

- 11 All mitigation measures contained within the submitted Preliminary Ecological Assessment conducted by Weddle Landscape Design and dated March 2019 shall be adhered to throughout the construction of development.

Reason: To protect and enhance local ecosystems that would otherwise be unduly impacted by the development.

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

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

- 13 Any plant shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation of such plant. All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours.

- 14 The opening hours for the use hereby approved shall be between 9:00 – 23:00 from Mondays to Sundays.

Reason: In the interest of the amenities of adjoining and nearby residential occupiers.

- 15 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the existing Wembley Stadium Event Day Controlled Parking Zone or any future Controlled Parking Zone (CPZ) that is introduced in the locality within which the development is situated, unless the occupier is entitled to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

Details of the wording to be included in the licence transfer lease or tenancy agreement shall be submitted and approved in writing by the local planning authority prior to the licence lease or tenancy agreement being entered in to and the approved details shall thereafter be used in all such licence lease or tenancy agreements.

For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In the interest of highway flow and safety.

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

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

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

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

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

Reason: In the interest of providing local employment opportunities.

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

- 18 Prior to commencement of the development hereby approved, a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved construction logistics plan.

Reason: To ensure construction processes do not unduly prejudice the free and safe flow of local highways.

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

- 19 (a) The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as per the approved Energy Assessment or any future amended Energy Statement approved in writing by the Local Planning Authority.

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

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

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

- 20 (a) Following the demolition of the buildings a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.
- (b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for

end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 21 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

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

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

- 23 Within three months of commencement of the development, the developer shall enter into an agreement with the Local Highways Authority to carry out the following works.

(i) Adjustments to the either the proposed crossover or existing speed table to ensure they don't compromise one another.

(ii) The construction of the new access and reinstatement of the redundant crossover to footway and verge, along with alterations to waiting restrictions along the site frontage, at the developer's expense prior to occupation of the development.

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

- 24 Prior to the first occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be adhered to in full.

Reason: To ensure an appropriate parking arrangement and system of parking management for the development.

- 25 Within six months of commencement of the development, details of external lighting and CCTV within the site (to include the undercroft area) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the lighting and CCTV fixtures, luminance levels within and adjoining the site. The lighting shall be designed to angle downwards and light levels shall be limited wherever

possible to mitigate the potential to impact bats. The lighting and CCTV shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area and in the interest of ecological protection and enhancement.

- 26 Within six months of commencement of development, further details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) Details of proposed soft landscaping including species, locations and numbers, including a diverse mix of native and non-native species
- (b) Details of the material treatment of the surfaces delineating the separation of pedestrian and vehicle movement areas within the proposed highways
- (c) Details of hardsurfaced areas and materials
- (d) Details of green roof(s)
- (e) Details of bat and bird boxes
- (f) Details of boundary treatments within the site and along its boundaries, including permeable boundaries with suitable holes for hedgehogs if feasible
- (g) Details of a management plan for a minimum of 5 year period
- (h) Landscape buffer in front of the ground floor residential unit

The hard and soft landscaping shall be completed prior to first occupation of the development hereby approved (or other timescales to be agreed in writing by the Local Planning Authority). Any planting that is part of the approved scheme that within five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interest of visual amenity, neighbouring amenity and ecology.

- 27 Prior to topping out at roof level, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

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

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

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

- 29 Within six months of commencement of works, details of screening to the proposed

terrace area and balconies shall be submitted to and approved in writing. The scheme shall thereafter be implemented in accordance with the approved details and retained throughout the lifetime of the development.

Reason: To protect the residential amenities of the nearby neighbours.

- 30 Prior to the first occupation of the residential units hereby approved details of an informal play area located at terrace area shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory levels of playspace is provided for future residents.

- 31 Prior to commencement of any works on site, further details on the methodology for the digging of the trial trench within the Root Protection Zone of T4 and the methodology for the removal and replacement surfacing within the root protection of T4 together with supervision for these works and results of the supervision in proximity to T4 shall be submitted to approved in writing by the Local Planning Authority, and thereafter carried out in accordance with the approved methodology and supervision works.

Reason: To ensure the protection of trees within the vicinity of the application site.

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

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site

boundaries.

- 5 Thames Water advise the applicant of the following: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. 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 [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 6 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.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620