



## Planning Committee

**Wednesday 14 October 2020 at 6.00 pm**

This will be held as an online virtual meeting

Details on how to access the link in order to view proceedings will be made available online via the following link: [Democracy in Brent](#)

### Membership:

#### Members

Councillors:

Kelcher (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Dixon  
Mahmood  
Maurice  
J Mitchell Murray

#### Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, Kennelly, Lo, Sangani and Shahzad

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Governance Officer  
joe.kwateng@brent.gov.uk; 020 8937 1354

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:  
**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**Members' virtual briefing will take place at 5.00pm.**

**The press and public are welcome to attend this as an on online virtual meeting. The link to attend and view proceedings will be made available online via the following link: [Democracy in Brent](#).**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting - 9 September 2020		1 - 10
<b>APPLICATIONS FOR DECISION</b>		
3. 18/4008 Tenterden Pavilion & Sports Ground, 289 Preston Road and Car Park rear of 291-297 Preston Road, Harrow, HA3	Kenton	15 - 54
4. 20/0685 79-83 ODDS, Kenton Road, Harrow, HA3 0AH	Northwick Park	55 - 76
5. 18/4904 96 High Road, London, NW10 2PP	Willesden Green	77 - 110
6. 20/1464 13 The Avenue, London, NW6 7NR	Brondesbury Park	111 - 130
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting:            Wednesday 4 November 2020**

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Held as an online virtual meeting on Wednesday 9 September 2020 at 6.00 pm

PRESENT: Councillors Johnson (Vice-Chair, in the Chair), S Butt, Chappell, Hylton, Mahmood, Maurice and Sangani.

ALSO PRESENT: Councillor Suresh Kansagra.

Apologies for absence were received from Councillor Denselow.

#### 1. Election of Vice Chair

Councillor Johnson (Vice Chair in the Chair) invited nominations for Vice Chair for the meeting.

RESOLVED:

That Councillor Maurice be elected as the Vice Chair for this meeting.

#### 2. Declarations of interests

Councillor S. Butt declared that he had known the objector to the application for 65 Teignmouth Road but he would consider the application with an open mind.

Approaches.

All members declared that they had received emails from the objectors in connection with the application for Claremont School.

#### 3. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 12<sup>th</sup> August 2020 be approved as an accurate record of the meeting.

#### 4. 20/0587 1, 2, 3 & 9 Watkin Road, Wembley, HA9 0NL

PROPOSAL:

Demolition of existing buildings and erection of 1x part-20, part-17 storey building and 1x 14 storey building together containing 174 residential units; commercial floor space (B1a and B1c use class) on ground, first and second floors; car and cycle parking, refuse storage, amenity space and associated landscaping.

**RECOMMENDATION:**

To grant planning permission subject to referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports.

That the Head of Planning be granted 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.

That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is granted delegated authority to refuse planning permission.

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

Mr Toby Huntingford (Principal Planning Officer) introduced the report, setting out the key issues and answered Members' questions. He referenced the supplementary report and clarified the statutory consultation period, additional representations, officers' responses to them and drew members' attention to an additional condition on the use of a diesel generator for the development to ensure an acceptable air quality impact. Mr Huntingford explained that the statutory consultation period had been met and ended on 1<sup>st</sup> September but that due to a technical error, the site notice had specified that comments may be made until 10<sup>th</sup> September. Officers considered that it would be appropriate for the Committee to proceed with the consideration of the application and that the decision be made on the basis that should any representations be received on 10 September which in the view of the Head of Planning and Development had not been addressed in the committee report or at the meeting and which would fundamentally affect the resolution reached by the committee and could reasonably have led to a different decision having been reached by the committee, the application would be re-presented to a later planning committee meeting for further consideration.

Members sought legal advice on proceeding with the application on the basis outlined by the Principal Planning Officer. Ms Saira Tambo (Legal adviser to the Committee) advised that in her view, the Council had complied with all legal

statutory requirements on consultation and that it was perfect for the Committee to proceed with consideration of the application as amplified by the officer.

Mr Quentin Parry (in remote attendance) objected to the application raising concerns about the calculation of the site plot and the consultation process alleging that majority of the consultation letters were either sent to student accommodation with transient population or to unoccupied new developments. Mr Parry requested deferral of the application until the Council received all comments.

Mr David Freedman (in remote attendance) objected on grounds of inadequate consultation, daylight and sunlight report.

Mr Dominic Tombs (agent, in remote attendance) submitted the following points for the Committee to note;

- The scheme would help Brent to deliver on the aspirations of the wider Site Allocation and provide 174 much-needed tenure blind homes including 35% affordable housing with 50% of the affordable homes being family sized;
- All the new homes meet or exceed modern space standards with high proportion of dual aspect homes with every home having access to both private and communal amenity spaces;
- The scheme would be car-free, provide secure cycle storage for all homes and 10% of homes would be wheelchair compliant.
- The scheme would deliver net uplift in employment floorspace and the introduction of new affordable workspace
- The scheme would deliver public realm improvements through the provision of a landscaped pedestrian route towards the station and also allow for the future access to Wealdstone Brook as a recreation space in line with the Council's long-term aspirations for the area.

Prior to Members' discussion, Councillor Maurice moved that the application be deferred until after the consultation period had ended. Officers advised against that due to the considerable amount of consultation already carried out and in view of the legal advice received at the meeting.

In the ensuing discussion, Members raised queries in respect of the amount of affordable housing, daylight and sunlight impact and flood risk. Officers responded that the scheme was policy compliant and that the amount of affordable housing was determined by a robust independent viability assessment. The daylight and sunlight analysis carried out by the applicant was in line with BRE guidance and that the benefits of the scheme would outweigh the limited impact which was considered commensurate and acceptable. Members heard that Environment Agency had considered acceptable the adequate flood risk mitigation measures including raised ground floor, drainage and attenuation.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by a majority

decision to approve the application subject to the amendment and the additional condition set out within the supplementary report

**DECISION:**

Granted consent, as recommended, subject to the Section 106 Heads of Terms, an additional condition relating to the use of diesel generators and referral to the Mayor of London for his Stage 2 decision and on the basis that the application be presented to a later Planning Committee meeting for further consideration should further representations received on 10 September which, in the view of the Head of Planning and Development, have not been addressed in the Committee report or at the Committee meeting and which would fundamentally affect the resolution reached by the Committee and could reasonably have led to a different decision having been reached by the Committee.

(Voting on the amended recommendation was: For 5, Against 1).

**5. 20/1151 All Units at Dowlings Parade, HNS Autos and Delta Hand Car Wash, Bridgewater Road, Wembley, HA0 1AJ**

**PROPOSAL:**

Partial demolition of the existing buildings and structures, the erection of a co-location' scheme ranging in height from 2 to 7 storeys, incorporating industrial floorspace with residential units, together with associated landscaping, vehicular access arrangements, car and cycle parking, servicing and refuse and recycling facilities.

**RECOMMENDATION:**

To GRANT planning permission subject to completion of a legal agreement to secure the planning obligations set out within the Committee report.

That the Head of Planning is granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee report.

That the Head of Planning is granted 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.

That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is granted delegated authority to refuse planning permission.



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

Mr Denis Toomey (Planning Officer) introduced the report setting out the key issues and answered Members' questions. He referenced the supplementary report that set out an additional condition.

Mr Alan Gunn-Jones (agent in remote attendance) addressed the Committee and answered Members' questions. He drew Members' attention to the following aspects of the proposal:

- The design process, informed by pre-application consultation, responded to the issues of concern raised by an earlier application for the site by Officers and other statutory consultees and acknowledged the changing policy context at both the local and strategic levels
- The proposal would work together with the approved development proposed for the adjoining site, enhancing and complementing each other and serve as a catalyst for achieving design excellence in the Growth Area and its regeneration.
- The high quality design of the policy compliant proposal would comprise of durable materials with minimal maintenance required over the lifetime of the building.
- Each flat would have a dual aspect encouraging natural cross ventilation and direct daylight, along with individual private amenity outdoor space as well as a mixture of individual and communal outdoor space ranging from play areas (young children), to exercising space for adults and seating and planting for all to enjoy.

During the ensuing discussion, officers addressed Members' queries on daylight and sunlight aspects of the application adding that the slight infringement was acceptable, on balance. Members were advised that the impact of this development alone would not warrant the need for infrastructure, drawing attention to GP facilities in the nearby Northfields development and the approved proposal for a school in Neasden Lane. In terms of landscaping, there would be a net gain of 8 new trees to replace the existing low value trees.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by a majority decision to approve the application subject to the amendment and the additional condition set out within the supplementary report.

#### DECISION:

Granted planning permission, subject to conditions as set out in draft decision notice, updated condition 2 as set out within the supplementary report and the completion of the legal agreement.

**6. 19/1388 Claremont High School, Claremont Avenue, Harrow, HA3 0UH**

**PROPOSAL:**

Construction of an additional floodlit artificial grass sports pitch and cricket practice facility with incorporated batting cages, installation of 12 floodlights, erection of high boundary fences with associated gates, formation of pedestrian access stairs and ramp.

**RECOMMENDATION:**

To grant planning permission subject to the conditions set out within the Committee reports.

That the Head of Planning is granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee report.

That the Head of Planning is granted delegated authority to make changes to the wording of the Committees 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.

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.

That the Committee resolve to GRANT planning permission subject to any direction by the Secretary of State pursuant to the Consultation Direction.

Ms Nicola Blake (Planning Officer) introduced the report setting out the key issues and answered Members' questions. She referenced the supplementary report that set out additional objections and officers' responses to them.

Mrs Sue Wood speaking on behalf of Wealdstone Brook Residents objected to the proposal for several reasons including the following, referencing a video film she had had circulated to all members prior to the meeting:

- 18 floodlights would result in glare and thus severe impact on residential amenities and wildlife.
- The proposal would exacerbate traffic and parking problems in the area.
- Lack of noise and traffic assessment to support the application.

Mrs Nicola Boughey Executive (Executive Head Teacher) and Mr Gary Benn (architect) in remote attendance addressed the Committee and answered Members' questions. She raised several points in support of the application including the following:

- The proposal, an extension to the current AstroTurf that was successfully created in 2009, would assist in meeting students' demands for its use.
- As the school field would be out of use from October to April (water logged / London clay), an AstroTurf would give the school and the students another all year round outdoor space.
- The AstroTurf would not solely be a commercial venture as alleged by some objectors. All lettings would be between 6pm – 9pm and weekends until 5pm with parking facilities accommodated on the school playground and managed by the school's site team
- The plans for the Astro have addressed issues relating drainage/plans from Environmental Agency. ecology survey, bat survey, illumination and light spillage.

In accordance with the planning Code of Practice, Councillor Kansagra (ward member) stated that he had been approached by Chair of Wealdstone Brook Residents Association. Councillor Kansagra raised concerns with the application including the following:

- Over-development of the school site
- The use of microphones and the level of lighting for the Astro turf would increase noise levels and light spillage to the detriment of residential amenities.

In responding to the issues raised, officers stated that Environmental Health had not expressed concerns on the noise levels and lighting, in particular as the lighting would be angled to minimise any potential spillage. Members noted that as the application was minimal in terms of traffic, it did not warrant traffic assessment.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by a majority decision to approve the application subject to the amendment and the additional condition set out within the supplementary report.

**DECISION:**

Granted planning permission as recommended and as set out in the draft decision notice.

(Voting on the amended recommendation was: For 5, Against 1).

**7. 19/4130 Land rear of 65, Teignmouth Road, London**

**PROPOSAL:**

Conversion of garage into a residential unit (Use Class C3) and works to include a single storey extension, 2 rooflights, provision of cycle and refuse storage, associated landscaping and alterations to boundary

**RECOMMENDATION:**

GRANT planning permission and that the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee report.

That the Head of Planning be granted 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.

Ms Michele Katzler (Planning Officer) introduced the report, setting out the key issues and answered members' questions. She clarified that the application which was for refurbishment work would not involve any demolition.

Mr Ishrat Malik (in remote attendance) objected to the application for several reasons including the following:

- The application which would involve a change of use from garages to a living accommodation would contravene Mapesbury Conservation Area Design Guide.
- As the site falls within a controlled parking zone this would suggest there would be a demand for parking and as such removal of a garage would be of detriment to the local area
- Loss of privacy, daylight and sunlight – contrary to Brent Development Management Policies
- The installation of an electric gate and external air source heat pump would result in noise pollution, detrimental to the local flora and fauna and natural habitats for wildlife.
- The application would set a precedent for similar an undesirable developments contrary to the Article 4 Design Guide

In accordance with the planning Code of Practice, Councillor Colacicco (ward member) addressed the Committee. Councillor Colacicco stated that whilst Mapesbury Area Residents' Association did not object to the application, they would like to see strict conditions imposed to ensure that the applicant did not deviate from the plans submitted.

In responding to the issues raised, the Planning Officer clarified that by using discreet materials, the proposal would not result in significant harm to the character of the area. She added that the structural engineer and building regulations would ensure that the external heat pump would not give rise to undue noise. Furthermore, conditions had been imposed for permeable landscaping and to prevent permitted development including upward development.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and

asked members to vote on the recommendation. Members voted unanimously to approve the application as recommended.

DECISION: Granted planning permission as recommended.  
(Voting on the recommendation was unanimous)

**8. 20/0614 16A & 16B Mapesbury Road, London, NW2 4JB**

PROPOSAL:

Change of use from residential (Use Class C3) to operational diplomatic and consular services (Use Class Sui Generis) for a temporary period of 3 years and associated alterations to car parking, installation of pedestrian gates and new fencing.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission and that the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports.

And that the Head of Planning be granted 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.

Mr Damian Manhertz (Development Management Area Team Manager) introduced the report, set out the key issues and answered Members' questions. He added that the proposal was not considered likely to result in an excessive amount of traffic, obstruct the highway or result in unsafe conditions on the highway. It was noted that there is an extant permission that allowed the building to be redeveloped and some of the proposed changes. Furthermore the proposed change of use, involving internal works only was not considered to result in harm to the character and appearance to the conservation area and that the proposed conditions would ensure that the development would make a positive contribution to the local character and distinctiveness of the Brondesbury Conservation Area.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted unanimously to approve the application as recommended.

DECISION: Granted planning permission as recommended.  
(Voting on the recommendation was unanimous).

## **9. Any Other Urgent Business**

None.

The meeting closed at 9.27 pm

COUNCILLOR J. DENSELOW  
Chair

Notes:

1. Councillor Hylton left part way during consideration of item 4 and did not take part in the voting on any of the applications.
2. At 8.04, the meeting was adjourned for 5 minutes.

## APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### Provision of infrastructure

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major



new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:  
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>  
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

#### **Further information**

19. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

#### **Public speaking**

20. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

#### **Recommendation**

21. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

14 October, 2020  
04  
18/4008

## SITE INFORMATION

RECEIVED	22 October, 2018
WARD	Kenton
PLANNING AREA	
LOCATION	Tenterden Pavilion & Sports Ground, 289 Preston Road and Car Park rear of 291-297 Preston Road, Harrow, HA3
PROPOSAL	<p>Demolition of existing pavilion building and reinstatement of green space; construction of a part 2 and part 3 storey sports and recreation centre with ground floor office and reception area; reconfiguration of the existing car park and associated soft landscaping, to provide sporting facilities for local school, community and football club (Forest United)</p> <p>The proposed development does not accord with the provisions of the development plan in force in the area as it seeks to develop land protected as open space within Brent's Core Strategy policy CP18.</p>
PLAN NO'S	Refer to 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_142287">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_142287</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "18/4008" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

- Payment of the Council's legal, planning negotiation and planning monitoring costs associated with preparing and monitoring the Section 106 agreement
- Notification of commencement of development 28 days prior to material start
- Development to be carried out in accordance with the BREEAM pre-assessment to achieve a BREEAM rating of Excellent
- The payment of a £6,000 contribution to enable the Council to plant and maintain between 10 and 12 trees within Tenterden Sports Ground (indicative planting plan prepared by Council's Tree Officer)
- The delivery of works to alter the car park in line with the approved plans, in consultation with the Council's highways and infrastructure service, including the provision of relocated gating and height restriction barrier.
- Secure that the use of the playing field in connection with WECT activity is to be prevented until drainage works to improve the pitches is complete.
- Secure that public access to the playing field is to be retained outside of formally licenced usage by the freeholder and for it to be assured that the playing field will not be fenced off or surrounded by any other means of enclosure.
- Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

### *Compliance*

1. 3 Years to commence development
2. Build in accordance with approved plans
3. Restriction on the use of the building to indoor sports and recreation facility, as a community hall or as an educational facility
4. Provide car parking arrangement as delivered through the S278 agreement prior to occupation
5. Provide cycle parking prior to occupation and for cycle parking to only be used in an ancillary capacity to the sports pavilion
6. Emissions of Non-road Mobile Machinery to be restricted.
7. Build in accordance with drainage documents
8. Build in accordance with arboricultural documents
9. Tree protection monitoring to be carried out
10. Limit on 16x comings and goings of minibuses to pavilion entrance each day in association with WECT use. Minibuses used to be no longer than 6.5 metres in length

### *Pre-commencement*

11. Revised proposed car parking plan, to reflect existing car park layout for lower car park and upper car park (with exception of parent and child spaces being converted to disabled bays), and alterations to middle car park layout to be submitted and approved prior to commencement
12. Revised Construction Logistics Plan, setting out the extent of necessary closure of the existing car park and associated timescales, to be submitted and approved prior to commencement
13. Construction Management Plan to be submitted and approved prior to commencement
14. Air quality neutral assessment to be submitted and approved prior to commencement

### *Post-commencement*

15. Submit material samples to be submitted and approved prior to above ground works commencing
16. Sports hall & exercise studio noise report to be submitted and approved prior to above ground works commencing
17. Plan showing ecology report mitigation and enhancement measures to be submitted and approved prior to above ground works commencing

### *Pre-occupation*

18. Submit final Community Access Plan prior to occupation, setting out hours of use, specific hire rates, details of how it would be marketed, management arrangements and details of how inactive people in the community would be engaged with
19. Submit Travel Plan prior to occupation, incorporating targets for minimising vehicle based journeys to the site, monitoring of those targets and associated measures to meet those targets
20. Height restriction barrier management plan to be submitted and approved

### *Post-occupation*

21. External lighting details to be submitted prior to use of external lighting, subject to agreement with the Council's parks and car parks teams
22. CCTV details to be submitted and approved prior to the use of CCTV
23. Plant noise details to be submitted and approved prior to the use of plant

### Informatives

1. CIL liability
2. Party wall information
3. Building near boundary information
4. London Living Wage note
5. Fire safety advisory note
6. Asbestos advisory note
7. Any other informative(s) considered necessary by the Head of Planning

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.

That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the

preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## SITE MAP



### Planning Committee Map

Site address: Tenterden Pavilion & Sports Ground, 289 Preston Road and Car Park rear of 291-297 Preston Road, Harrow, HA3

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## PROPOSAL IN DETAIL

The proposal seeks to demolish the existing pavilion building to the east boundary of the site and to reinstate the pavilion footprint, its surrounding hardstanding and the pedestrian access between the pavilion and the car park back to green space.

The proposed sports hall building will predominantly provide sporting facilities for a local school, Lycée International de Londres Winston Churchill but is also proposed to be open for the use of the community and as a club space for a local football club, Forest United.

The proposed sports hall is partly located within the existing car park to the south, and associated alterations are proposed within the car park.

## EXISTING

The existing site comprises a sports pavilion building on the eastern edge of the Tenterden Sports Ground in the Preston Road area of Brent. The southern part of Tenterden Sports Ground is comprised of a car park and an area of hardstanding links the car park with the pavilion building to the north. The car park is consistently underutilised, except for event days prior to Covid-19 at which times the car park became occupied close to or at capacity. The pavilion is in close proximity to residential properties lining the western side of Preston Road.

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

Proposed layout of Tenterden Sports Ground car park adjusted

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

- **Representations received:** 5 objections were lodged against this application. Objections raised centre around concerns over:
    - The implications for the usage of the pavilion and the adjacent external pitches by the wider community and specific community groups
    - The existing condition of the external playing pitches and their capacity for additional play
    - The need to minimise the impact of the pavilion building on nearby properties
    - A desire for there to be no substantial loss of public car parking
    - Assurance that the impact of the development will not be detrimental to local car park users from a transport perspective
    - Antisocial behaviour within the car park
    - The loss of a mature willow tree
- Your officers have considered the objections raised and consider that the development proposal is acceptable.
- **Provision of new sporting facilities:** The proposal will introduce modern indoor sporting facilities for local school use, local football club use and wider community use (to be hired out at rates in line with local authority sports facilities) at a current sports ground. The provision of the new sporting facilities will replace the existing defunct pavilion building in a different location and result in a one square metre net loss of protected open space. The very marginal loss of protected open space is acknowledged but is considered to be outweighed by the significant improvement in sporting provision in this location that would be brought about by the proposal.

- **The impact of a building of this height and design in this location:** The building is to be composed of two storeys and aligned in a T-shape. The materials are considered to be suitable choices and it is considered that the building is of an appropriate scale for a multi-purpose pavilion and community sports facility and that it is not likely to be overbearing in the context of its surroundings. The building would stand alone, with the nearest buildings being more than 50 metres away.
- **Neighbouring amenity:** Given the scale of the building and the level of separation with other properties, the development would comply with all of the Council's amenity impact guidance in relation to all potentially affected properties.
- **Highways and transportation:** The development is to result in a loss of 17 spaces from the Tenterden car park overall. A reconfiguration of the car park will expand the pay and display car park to the west so as to incorporate the entrance to the pavilion within this car park. Accordingly, the part of the car park which is for event day permit holders only is to be reduced by 32 spaces whilst the part of the car park available for pay and display is to be enlarged by 15 spaces. Additional blue badge parking and cycle parking facilities are to be introduced to the car park. The car park would be used by the applicant on weekdays for dropping off classes of students in minibuses for the purposes of physical education lessons. A suitable drop off arrangement has been demonstrated and will be limited by condition. Planning obligations are to be imposed on the applicant in relation to Travel Plan improvements/monitoring as well as construction logistics detailing.
- **Energy and Sustainability:** The application includes a BREEAM pre-assessment demonstrating that a score of BREEAM 'Excellent' will be achieved within the new development. In addition, a Section 106 obligation will normally require that a post-implementation BREEAM assessment is submitted shortly into the operation of the new building to confirm the achieved BREEAM rating.
- **Trees and Ecology:** Of 82 trees and 2 groups of trees within and within close proximity of the site, four trees and 1 group of trees are to be removed due to their close proximity to the sports hall and a further six trees are to be removed as a result of their very poor condition (category U). The remaining trees are to be fenced off with protective fencing to protect their condition during construction. Funding for the Council to plant of between 10 and 12 extra heavy standard trees is to be secured within the Section 106 Agreement (with an indicative plan prepared by the Council's Tree Officer including new trees along the northern edge of the car park and the pavilion, together with the boundary with the properties on Preston Road. The existing site is very low in ecological value with a negligible potential to support protected, priority or rare wildlife species given the short grass length and regular human play activities which take place on the field. Nonetheless, in seeking to minimise any loss of ecological value as a result of the proposal, a series of ecologists' recommendations for mitigating and enhancing biodiversity on site have been put forward and will be secured by condition.
- **Flooding and Drainage:** The site is located in an area with low probability of flooding (zone 1) in accordance with the Environment Agency's fluvial flooding maps. However, Brent's local lead flood authority has observed localised flooding problems in this area as a result of surface water runoff resulting from the steep changes in ground level at the site. The application demonstrates that general surface water runoff rates will be reduced down to Greenfield levels through the use of sustainable drainage techniques. Brent's Local Lead Flood Authority has reviewed these details and it is considered that the details are sufficient to recommend support for the proposal.
- **Environmental Health:** Suitable planning conditions are to require the applicant to address matters relating to noise impact from the use of the pavilion and from any plant machinery proposed, the management of potential disturbance that could arise through construction practices, a restriction on the use of high emissions construction vehicles and details of the impact of external lighting.



## MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	0		0	0	
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	
General industrial	0		0	0	
Hot food take away (2004)	0		0	0	
Hotels	0		0	0	
Non-residential institutions	0		0	1455	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	0		0	0	
Storage and distribution	0		0	0	

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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## RELEVANT SITE HISTORY

The site has minimal planning history, none of which is relevant to the pre-application proposal.

## CONSULTATIONS

### Public consultation

This application was advertised in the local press initially on 08/11/2018, again on 20/12/2018 (so as to advertise the proposed departure from policy CP18) and again on 27/08/2020 following revisions being made to the proposed car park layout.

A site notice advertising this application was erected outside the application site on 20/12/2018 and then again on 24/08/2020 following revisions being made to the proposed car park layout.

448 properties were notified of this proposal by letter on 01/11/2018 and again on 20/12/2018 (so as to advertise the proposed departure from policy CP18) and 451 properties were notified again on 21/08/2020. The number of properties consulted the final time was different than previously as a result of properties being consulted whose occupants had submitted representations even though their address was not within the initial list of consulted properties.

5 objections to the application were received. The objections were received from the following properties/groups:

- The North Brent Parks Forum / John Billam, Tenterden Parks and Neighbourhood Watch Group
- Forest United Youth Football Club
- An occupier at a Preston Waye property
- An occupier at a Woodcock Hill property
- Ex-Cllr Michael Pavey (was an incumbent Councillor at time of submitting comments)

The comments raised are addressed below:

Ground of objection	Officer response
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<p>Planning permission should only be granted if it provides for the associated playing fields being maintained for at least the duration of any lease as publicly accessible open space playing fields and not reserved for Forest United Youth FC or other community groups specifically.</p>	<p>The playing fields are to be available for public usage during times when they are not being used by the WECT or Forest United Youth FC. The formalised community access arrangements will only apply to the indoor spaces.</p>
<p>The application seeks to address the implications of CP18 (loss of open space) by merely compensating the land utilised by the centre with other parts of the playing fields but fails to address the overall impact of this relocation on the use of the playing fields as a whole and with the need to meet the requirements to improve open space for play/sport across the borough as set out in policy.</p>	<p>All development proposals must be considered on the basis of their own merits.</p> <p>The application has been assessed in the context of the wider protected open space which it would affect and has been assessed against the CP18 policy in this holistic context.</p>
<p>There is a lack of clarity in the Design and Access statement about how exactly the new pavilion relates to the use of the playing fields and, at some points, it seems to be referring to just the part of the field where the centre will be located and at other points to the playing field as a whole.</p> <p>The demolition of the pavilion and its replacement with the new recreation centre have been artificially isolated from the playing fields where they are located and have been treated as separate entities, despite being logically inseparable.</p>	<p>Officers have considered the application in the context of the wider green space which it would affect.</p> <p>These aspects have been discussed with the applicant and appropriate safeguards have been introduced through planning obligations that maintain the existing public benefits of the external pitches.</p>
<p>There is a conflict of interest in Brent Council determining a planning application for development on its own land where it is not known if the playing fields will continue to be available for use by users of the new centre and how its own policies and strategies will be complied with.</p>	<p>The Local Planning Authority is an impartial arm of the Council which determines all planning applications in the borough in accordance with planning policies set out within the Development Plan for the area, including those where Brent Council is the owner.</p> <p>Officers are considering this application on the basis that the playing fields will continue to be publicly accessible, alongside formalised arrangements that are the subject of licence agreements between the freeholder (Brent Council) and lessees, as per the current arrangement.</p>
<p>Everything possible should be done to minimise the impact of the larger pavilion building on the properties along the edge of Tenterden playing fields, in respect of visual and noise impact.</p> <p>Trees should be replanted between the pavilion and the homes along Preston Road to maximise screening and improve greening.</p>	<p>The visual impact of the building is discussed in paragraphs 16 to 22. The noise impact of the building is discussed in paragraph 62.</p> <p>The majority of trees between the pavilion and the homes along Preston Road are to be retained.</p>

	<p>Some replanting is to be secured although not specifically in the location between the pavilion and the Preston Road boundary. The trees aspects are discussed in full in paragraphs 53 - 59.</p>
<p>The involvement of Forest United Youth FC with a right to use the building is fundamental and must be secured.</p>	<p>This is not something within planning control and is subject to the licence arrangements between the site freeholder (Brent Council) and its lessees (incl Forest United).</p> <p>Obligations that go beyond securing a means of a suitable general community access arrangement to the building (thereby addressing relevant planning policy CP 23) would be outside of planning remit.</p>
<p>The full details of community access should be secured prior to approval of planning permission.</p>	<p>Draft details of community access have been set out with the application documents and these are considered to be acceptable in principle. Further details will need to be developed as the development is delivered (if approved) and these can be submitted for officers' review closer to the time of occupation.</p> <p>Whilst officers would not deem it reasonable to secure the fully detailed community access plan up front, clear expectations for what it must contain have been set out within the relevant planning condition.</p>
<p>The playing fields must remain areas of open land to which the public have access outside of sporting events, must not be fenced in and must be properly maintained so that they can continue to be used by Forest United and the local community as well as WECT.</p>	<p>This will be secured through the permission.</p>
<p>CCTV should be provided to ensure that the replacement building remains safe and to ensure the surrounding area does not become an area for drug related or anti-social behaviours.</p> <p>CCTV positioning should be clarified and should be provided along the entirety of each flank of the pavilion.</p> <p>Fencing should also be provided around the pavilion to discourage and aid in the protection against ASB / drug related activity / loitering, both during and after use.</p>	<p>CCTV details will be required by condition.</p> <p>Fencing between the pavilion and the car park is shown on the plans.</p>
<p>There should be no substantial loss of car parking spaces and parking for the public should continue.</p>	<p>There will be no reduction in public pay and display car parking</p>

	as a result of this proposal.
<p>The retention of the gating to the western part of the car park is essential. This needs to continue to be closed after dark to deter anti-social behaviour.</p> <p>It should be confirmed that the gating and height restriction will continue to be provided even in the context of the gating being moved.</p>	The gating and height restriction is to be reinstated within the new location to the west of the current location, as shown on the proposed car park layout plan.
No overhang or publicly accessible verandas or covered areas are in this application and this should be fully secured in the interests of ensuring that ASB and loitering is discouraged.	These features do not form part of the considered plans and further planning permission would be needed to implement such elements.
The speed humps in the car park that were installed in June 2018 are not shown as being replaced or retained within the car park. The speed humps need to be kept in place.	A Section 106 agreement will secure works to the car park. It can be clarified in the head of term for this obligation that speedhumps must be retained as part of the works.
Since June 2020 car park lighting is switched off after dark which has limited illegal and anti-social activity taking place in the car park. The same switch off should apply to the new pavilion once it stops being used after dark.	A planning condition is to require the applicant to provide further details of external lighting, and for these details to be subject to consultation with the Council's parks and car parks teams to confirm acceptability in the context of other initiatives such as this.
Given the narrow road into the site from Preston Road the size and frequency of transport to and from the Lycee should be properly regulated and that traffic issues related to the number and size of vehicles turning on and off Preston Road should be fully addressed.	The transport impact and access arrangements are discussed in paragraphs 39 - 44.
<p>The existing pavilion includes the provision of free parking which is not impacted by event day restrictions. The application makes no assessment nor makes any provision for free car parking capacity commensurate with the anticipated public use of the facilities. There is no explanation of why such free parking is no longer a requirement and this provision exists at other outdoor facilities in the borough.</p> <p>The potential cost of relying on paid car parking is prohibitive and avoidable and would likely lead to underutilisation and/or congestion in the surrounding streets. The existing activities cater to a high proportion of small children where use of public transportation is neither feasible nor safe.</p> <p>51 free car parking spaces would be an indicative requirement for Forest United use. This could be implemented by a voucher or ANPR system.</p>	This is addressed in paragraph 29.
An assessment of transport needs is incomplete.	This is addressed in paragraphs

	28 - 31 and 39 - 44.
<p>The application does not seek to maintain or enhance the existing activities that are associated with the open space. In its current form, the proposed development will ensure degradation of existing facilities and reduction in utilisation.</p> <p>No information has been provided as to how the outdoor facilities will support anticipated use.</p> <p>Legal provision for wider access should be at the heart of the application, both to honour the longstanding intentions which enabled this application in the first place and to ensure that Brent Council uses all potential leverage to maximise healthy living and community engagement, both important corporate priorities for the Council.</p>	<p>This is addressed in paragraphs 1 to 9 and 12 to 14</p>
<p>The existing outdoor facilities have been graded as poor and needing improvement. Works identified as needed in Brent's Planning for Sport and Active Recreation Facilities Strategy 2008-2021 have not been carried out.</p> <p>The existing facilities are identified as operating at full capacity and increasing usage on outdoor facilities that are already poor and unsafe will lead to degradation and safety concerns.</p> <p>Brent is not forthcoming with allowing funding for upgrades to both John Billam and Tenterden playing fields.</p>	<p>Brent Council's Parks service intend to undertake works to improve the drainage to the fields shortly and only then will this result in an acceptable basis for formalised usage of the fields to be increased, as agreed by both Brent and Sport England.</p> <p>This is further addressed in paragraphs 12 – 14.</p>
<p>There is no usage/ maintenance/management plan for the outdoor facilities.</p> <p>DMP8 requires that where open is proposed it should be publicly accessible, appropriately designed to be safe, usable and integrated into the development site, enhance biodiversity and integrate into the existing green infrastructure network and include a suitable long-term management plan.</p>	<p>A new open space is not proposed, nonetheless matters of public access and biodiversity impact remain relevant to this application and appropriate safeguards are to be secured.</p> <p>Public access to the playing fields is further addressed in paragraphs 12 to 14.</p> <p>Biodiversity is further addressed in paragraphs 60 and 61.</p>
<p>The Lycee International de Londres Winston Churchill is one of twelve London schools within the Agency for French Education Abroad. The other eleven sister schools will no doubt seek to make use of this proposed facility.</p>	<p>There is no evidence to suggest this. Were use of the facility to increase in connection with WECT activity, the requirements of the community access plan and a condition preventing more than 16 minibus movements into and out of the car park per day would appropriately safeguard impacts.</p>
<p>A level of priority, via the license agreements, should be given to WECT and Forest United as principal stakeholders in the proposed development.</p>	<p>This is not something within planning control and is subject to the licence arrangements between the site freeholder (Brent</p>

	<p>Council) and its lessees (incl Forest United).</p> <p>Obligations that go beyond securing a means of a suitable general community access arrangement to the building (thereby addressing relevant planning policy CP 23) would be outside of planning remit.</p>
<p>A usage pattern should be submitted and a maintenance program to ensure long term sustainability.</p>	<p>This is a matter for the Council's Parks team. It is likely that such work will be undertaken as part of the improvement works the team carries out to the playing pitches.</p>
<p>The role of the Preston Road car park needs to be more explicitly covered by this application, not least because of significant ASB in recent months. The application should be an opportunity to upgrade the security of the car park and should not be missed.</p>	<p>Significant alterations to the car park are proposed. This is addressed in paragraphs 32 – 36 and 46.</p>
<p>The application is on behalf of a registered charity, however this is not a charity with an established record of supporting the local community. Whilst fee paying schools can be legally constituted as charities, this does not mean that they automatically have the interests of local residents at heart.</p>	<p>The nature of the applicant is not a material planning consideration.</p>
<p>Care should be taken in removing any asbestos present on the existing pavilion building during demolition.</p>	<p>A suitable safety informative will be communicated to the applicant in respect of asbestos.</p>
<p>The Fields in Trust organisation have accepted that the fields are suitable for protection under Active Sports Status and we await Brent Council's support.</p>	<p>This is not a material planning consideration.</p>
<p>The mature willow tree's removal is strongly objected to in this proposal. The pavilion should be moved to allow its retention.</p>	<p>This is addressed in paragraphs 53-59</p>
<p>The main WECT facility should be hired out at rates equivalent to Brent Council sports hiring facilities.</p>	<p>This will be one of the requirements, and will be secured within the community access management plan.</p>
<p>Other local school should be able to make use of the facilities.</p>	<p>A condition will require the applicant to demonstrate that specific hire rates for the indoor sports hall hire are genuinely comparable with rates at public sector run sports hire facilities in the local area.</p>
<p>The sports facilities should not be reduced when the government is encouraging active lifestyles.</p>	<p>The array of sports facilities at the site are to be expanded and improved as part of this application.</p>

The pavilion should include a social centre for the local community to reduce noisy behaviour.	Community access for sporting purposes will be secured by the Council as part of the public benefits of the proposal.
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#### Internal consultation

The following officers at the Council were consulted regarding the proposal:

<b>Officer Consulted</b>	<b>Summary of Comments</b>
Environmental Health	No objection subject to a condition requiring a noise report to be submitted and approved prior to first occupation that confirms a suitable amenity impact in respect of the noise generated from sporting uses within the building.
Local Lead Flood Authority	No objection subject to the drainage measures submitted being secured by condition.

#### External statutory and professional body consultation

##### Metropolitan Police

The Metropolitan Police were consulted regarding this application. The Met Police raised no objection to the application but did make some recommendations in the interests of security that relate to internal and external areas of the pavilion, bin stores, utilities, lighting, the car park, cycle stores and pathways. Much of the commentary is in a greater level of detail than can be approved through the planning process, however the applicant has been sent these comments to ensure that they are considered as part of the more detailed design process.

##### Sport England

Sport England were consulted regarding this application. Whilst initially raising a holding objection to the proposal, Sport England now support the proposal and this is detailed below in paragraphs 12 - 13 and 55 - 56 below.

In terms of the specific comments made these are set out below.

Sport England initial comments:

<b>Comment</b>	<b>Officer Response</b>
The Council's Playing Pitch Strategy highlights issues with the quality of the playing field and that the site is over-played. Although the submitted documents indicate that Lycee International de Londres Winston Churchill would use the proposed indoor facilities it is not clear if the school would use the playing field as well. Could the applicant, therefore, confirm whether the proposed development would result in increased use of Tenterden Sports Ground playing field and if so, what measures are proposed to mitigate any increase use. This would enable to Sport England to fully understand and assess the impact on the playing field.	<p>The WECT intend to make use of the outside pitches subject to a playing pitch strategy to be agreed by condition. This would likely increase the formally agreed play on the fields.</p> <p>The quality of the pitches is to be significantly improved through a project to be undertaken by the Council's Parks team to address the drainage issues experienced on the pitches at present.</p>

<p>Sport England understands that the proposal would result in the only area of the site where users do not have to pay for parking which is likely to have an impact on existing community use of the site. Could the applicant confirm the intended parking arrangements/access plan, including any areas where the users could park for free.</p>	<p>There has never been a formal arrangement for free parking at the site and there are a number of reasons why the introduction of free parking would not be supported at the site. This is set out in paragraph 29.</p>
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Sport England follow-up comments:

<b>Comment</b>	<b>Officer Response</b>
<p>The Section 106 obligation relating to preventing the use of the playing pitches until drainage improvements have been undertaken would ensure that the quality of the playing pitches would not be detrimentally affected by the play from the school unless the playing field is improved. Once the playing field is improved as indicated it should result in improving the playing capacity of the site which should in turn ensure that it would then be able to accommodate the school s use as well as increased/maintained community use. It is important that the playing field improvement works are implemented and do actually improve its carrying capacity. Sport England notes that the improvement works does appear in the Council s Local Football Facility Plan so it is likely that the works will. The condition suggested would also prevent the school from using the playing field if the improvement works do not come forward thereby protecting the community use of the playing field.</p>	<p>Noted.</p>
<p>As a result, Sport England now considers that the proposal broadly aligns with Exception E5 of its Playing Field Policy as, notwithstanding the not ideal siting of the facility, the proposed facility would overall provide a benefit to the community which outweighs the negative caused by the partial loss of playing field. Sport England has arrived at this view as there appears to be a shortfall of sport hall provision within the borough identified by the Facilities Planning Model (which, in the absence of a robust Council Strategy for built sports facilities is the best alternative to use) and provided that the facility is designed and constructed in line with Sport England Design and Cost Guidance and is available for community use outside core school hours.</p>	<p>Noted.</p>

### Community Involvement

As part of the planning process and proposal's development, the applicant held two public consultation afternoons at a local library, the Preston Community Library. The first consultation was held on the 5th



December 2017 and the second consultation was held 14th June 2018. As a way of making all local residents and businesses aware that the consultations were taking place, leaflets were distributed and tracked to properties in close proximity (approximately within a 750m radius of the Preston Road/Preston Way junction) for the two consultations. A large banner was also erected on the Tenterden Sports Ground. A press article was also published for each consultation in the Brent and Kilburn Times. The consultation events were also advertised on the Lycée International de Londres Winston Churchill's website, with accessible links to leaving feedback, making contact details with the Wembley Education Charitable Trust to voice any comments or queries and to access the display notice boards electronically.

The applicants summarise the feedback they received during and following the consultation as follows:

- The large majority of feedback received confirmed that the proposed Sports Hall would help make a positive contribution to the local area;
- Interest in activities participating is wide ranging from futsal, basketball, volleyball, badminton, 5-a-side football, dance, yoga, Gym;
- A number of residents are interested in renting Forest United community room for non-sporting activities (group meetings etc.) when not in use;
- The facility should be opened to the local community and local clubs and pricing should be in line with Council run facilities;
- Local schools should still be able to access the sports fields for their sports event day;
- The proposal should address concerns in regards to transportation and minimise traffic/congestion;
- Car park gates should remain in use to prevent misuse of the grounds;
- The development should be in keeping with the environment and be sustainable;
- The sports ground should remain opened and not be fenced so that walkers can continue to access the grounds as currently;
- There should be no loss of green space resulting from the development;
- Trees to be protected and any tree removed should be replaced adequately;
- The proposal should help contribute to deter anti-social behaviour that is an issue currently;
- CCTV would be required; no shelter area to be provided; Building perimeter to be built robustly at ground floor level or fenced all around;
- There should be no overhangs on the building so no shelter is provided which may enable anti-social behaviour.
- Parking should remain affordable;
- The Pavilion should be removed and asbestos disposed of in a safely manner in accordance with HSE;
- The project will ensure that the empty property is removed and stops being vandalised;
- Local schools located within walking distance to the Tenterden Sports Grounds should be consulted for the running of their school holiday programme;
- The addition of an internal climbing wall would be welcomed;
- This new facility would be welcome and is much needed in an area where no such facility exists;
- The replacement should encourage higher quality facilities, supporting the function of the football team and use of the park for sport;
- This will create a community space for clubs, groups and individuals to gather and enjoy sport;
- The proposal will provide Forest United with a base and foster a relationship with the Lycée International de Londres and aid the integration of the French community into the Borough;
- The proposal will improve the usability and desirability of the location in providing sports facilities to the local community;
- This facility will help promote healthy lifestyles.

## **POLICY CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, the 2011 Site Specific Allocations Document and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies include:

### London Plan (2016)

- 3.16 – Protection and enhancement of social infrastructure
- 3.18 – Education facilities
- 3.19 – Sports facilities
- 5.1 – Climate change mitigation

- 5.3 – Sustainable design and construction
- 6.9 – Cycling
- 6.10 – Walking
- 7.15 – Reducing and managing noise
- 7.18 – Protecting and enhancing open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 7.21 – Trees and woodlands

Brent's Core Strategy (2010)

- CP 18 – Protection and Enhancement of Open Space, Sports and Biodiversity
- CP 19 – Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP 23 – Protection of existing and provision of new Community and Cultural Facilities

Brent's Development Management Policies (2016)

- DMP 1 – Development Management General Policy
- DMP 8 – Open Space
- DMP 9 B: On Site Water Management and Surface Water Attenuation
- DMP 12 – Parking
- DMP 13 – Movement of Goods and Materials

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

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 an "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

Relevant policies in the 'intend to publish' London Plan include:

- D4 Delivering good design
- D5 Inclusive design
- D12 Fire safety
- D14 Noise
- G1 Green infrastructure
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan. Relevant policies include:

**General:**

DMP1 – Development Management General Policy

**Place:**

BP4 – North West

**Design:**

BD1 – Leading the way in good design

**Social Infrastructure:**

BSI1 – Social Infrastructure and Community Facilities

**Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent

BGI2 – Trees and Woodland

**Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

BSUI3 – Managing Flood Risk

BSUI4 – On-site Water Management and Surface Water Attenuation

**Transport:**

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3 – Freight and Servicing, Provision and Protection of Freight Facilities

BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)

SPD1 Brent Design Guide 2018

## DETAILED CONSIDERATIONS

### Principle of development

#### Use of the proposed building

1. The application has been submitted on behalf of Wembley Educational Charitable Trust (WECT). The proposed building is proposed to provide sporting facilities for Lycee International de Londres Winston Churchill, for the use of the community and as a club space for Forest United Youth FC.
2. The Lycee School is a primary and secondary school located within the former Brent Town Hall on Forty Lane and has been open since 2015. Whilst current on-site facilities have been sufficient in terms of Physical Education (PE) for the school, the school has been limited by the range of activities available for pupils. The only indoor sports hall is located within the former Paul Daisley Hall, but this hall is also used as an assembly and events space. This has had an impact with the PE offer that the school can provide with overbooking of the hall and timetabling issues. Pupil numbers are set to rise to 1,100 pupils by 2020 (900 enrolled in 2018), and the Paul Daisley Hall is not Sport England compliant due to its size and heritage features (the building is Grade II listed).
3. The proposed indoor sports hall and associated facilities will allow the school to develop and improve its PE offer, including out of school activities and inter school competitions.
4. The proposal also seeks the continuation of a community use within a newly built sports pavilion which would replace the existing pavilion on site. The poor condition and disused state of the pavilion on site has created a magnet for anti-social behaviour that has caused residents and the local residents association a lot of concern. Due to the pavilion's current state, it has been boarded up for health and safety reasons and sits derelict to the east of the site. Therefore, no one can use the building at present. Some of the windows to the north elevation have been smashed and the building has been subjected to vandalism.
5. The new pavilion would result in a larger provision of community floorspace than at present and the development will therefore not result in the loss of community use floor space. The new facility would

include a brand-new four court Sport England compliant sports hall with changing rooms and a fitness studio so the sports offer will be better than currently proposed (currently none). The sports hall will also include a climbing wall. Additionally, the previous occupier of the Pavilion (Forest United Youth FC) has been provided with a community room including toilets and sports storage that will be sub-let to them as well as access to changing rooms.

6. The current pavilion does not have any indoor sport activity areas and is now closed so the proposed facilities will be better than the existing one on all aspects. The proposed facilities will be open to schools, members of public including local organisations and current users of the playing fields. A preliminary community access plan has been submitted with the application which sets out the following information:

7. Community to be able to hire the sports hall and exercise studio at the following times:

Period	Weekday Public Hire Hours	Saturday Public Hire Hours*	Sunday Public Hire Hours*	Hire Out Rates
During French calendar school holidays	18:00 – 22:00 (4 hours a day)	9:00 – 20:00 (11 hours a day)	9:00 – 18:00 (9 hours a day)	Comparable to those of Brent Council owned facilities
Outside French calendar school holidays	9:00 – 22:00 (13 hours a day)	9:00 – 20:00 (11 hours a day)	9:00 – 18:00 (9 hours a day)	

\* The Lycee International de Londres will occasionally use the facilities for week-end inter school completion matches (approximately once a month) and PE sports days (once a year).

8. The proposal would result in community access of up to 40 hours a week during French calendar school time and up to 85 hours a week outside French calendar school time. On occasional weeks where the facilities would be used for school related activities at weekends, the number of hours of community access per week would reduce to no lower than 20 (4 hours per week day). It has also been envisaged that the school may be able to open in early mornings for additional community access, prior to school hours but this would need to be confirmed at a later date.

9. The preliminary plan is positive, proposing at least 20 hours of community access per week at competitive rates. The proposal is therefore consistent with the requirements of core strategy policy CP 23 and draft policy BSI1. A condition will require a finalised community access plan to be submitted to confirm the finalised hours of community access and the specific hire out rates to be charged for officers to approve prior to first occupation. At least 20 hours of community access hours a week will be expected, alongside hire rates which would be clearly competitive with similar facilities in the area. Comments received from Brent’s Culture Service have, in addition to the above requirements, required that details of how the facility would engage with inactive people in the community. This will also form part of the condition.

#### Impact on open space

10. Tenterden Sports Ground is identified in the local plan as an Open Space subject to protections as stipulated in CP 18 and DMP 8. The policy requires that open space of local value is protected from inappropriate development and is preserved for the benefit, enjoyment, health and well-being of Brent’s residents, visitors and wildlife. Support will be given to the enhancement and management of open space for recreational, sporting and amenity use.

11. The proposal will result in the loss of 985sqm of green space within the Tenterden Sports Ground, immediately north of the car park, between the marked out football pitch and the tree line which runs along its eastern boundary. The proposed pavilion building and a small area of hardstanding around its southern edge would occupy this area of lost open space. Alongside this, the proposal would result in the reinstatement of 984sqm of green space along the sports ground’s eastern edge, coinciding with the loss of the existing pavilion building and associated hardstanding. The proposal would therefore deliver a net loss of one square metre of protected open space. Whilst the space to be lost is acknowledged as being slightly more valuable and usable open space compared to the space which would be regained along the eastern periphery of the site, the 1sqm net loss of open space overall is considered to constitute a reasonable mitigation which seeks to minimise departure from the requirements of CP 18 and DMP 8. Furthermore, the proposal would deliver a comparatively modern and large indoor sporting facility

compared to the existing. The proposed pavilion (consisting of a large sports hall, clubroom with associated store, studio space and sports changing facilities) would clearly be complimentary to the wider sporting use of the open space.

#### Associated use of the external playing field

12. As part of the proposal, the Lycee International de Londres Winston Churchill have confirmed that they would use both the internal pavilion facilities and external pitch facilities for Physical Education lessons and associated sporting uses. The school have confirmed that they would only use the external pitches during school times on week days, with occasional weekend use where possible for a sports day or other activity, similarly to the indoor facility. Forest United FC, whose replacement club room would be provided within the proposed pavilion, mostly use the pitches at weekends for training and matches, although sometimes during the week after school hours too. In any case, the use of the external pitches on Tenterden Sports and Recreation Grounds is managed through a Licence Agreement on a yearly basis operated by Brent Council. During times when the playing fields are not being used for purposes as set out in the freeholder's (Brent Council) licence agreement, the playing fields would remain publicly accessible/usable as has long been the arrangement. In securing this, a Section 106 obligation would require that the playing fields to remain areas of open land to which the public have access outside of sporting events and that they must not be fenced in at any time.
13. The site is considered to constitute playing field, or land last used as playing field. As such Sport England is a statutory consultee. Sport England has stated that it has considered the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy. Whilst initially objecting to the application proposal on the grounds that the playing fields are overplayed and that regular use by the Lycee International would worsen the ground conditions, Sport England now support the proposal on the understanding that the drainage works to improve the quality of the pitches at Tenterden Sports and Recreation grounds is to be undertaken and funded by the Council's Parks service. The Council's Parks service have identified the works to the pitches as a priority project given the poor quality of the soil and note that the pitches remained waterlogged for much of the Winter 2019/2020 period. In addition, the Council's playing pitch strategy highlights issues with the quality of the playing field and that the site is overplayed.
14. On the 29th September 2020, Brent's Capital Investment Panel approved funding for the drainage improvement and reinstatement works to Tenterden Sports Ground and the adjacent John Billam Sports Ground. Brent's Parks service intend to carry out the works during the winter of 2020/2021. To support the carrying out of these works, a Section 106 obligation would be applied to the consent requiring the external pitches to not be used for school related activities prior to the completion of the drainage improvement works. This planning obligation has been agreed as suitable with both the applicant and Sport England. This obligation would not preclude the continuing public access to the pitches and the pitches would need to continue to be accessible by both the public and in line with use agreements between the freeholder (Brent Council) and any relevant leaseholders (e.g. existing use by Forest United Youth FC) as has long been established, with only WECT related usage of the pitches precluded until such a time that the drainage works to improve the quality of the playing fields have been carried out.

#### Summary

15. In summary, the land 'swap' which would be undertaken by reinstating 984sqm of green space through removal of the existing pavilion and hardstanding on the eastern edge of the site in place of the loss of 985sqm of green space slightly farther to the west would ultimately result in a net loss of just 1sqm of protected open space. Nonetheless, it is acknowledged that the space to be lost would be slightly lower value space and less usable space than the open space which would be gained, in outdoor amenity terms. On the other hand, the addition of the pavilion as proposed would retain the existing external playing pitches in full, re-provide improved pavilion facilities where the current facilities are defunct and introduce new high quality indoor sports facilities to the site which could be hired out at competitive rates by the local community. Furthermore, the existing means of public access to the Tenterden playing fields, outside of licence agreement arrangements, would be retained in full and secured by legal agreement. The proposal would therefore significantly improve the range and versatility of the sports offer available within the Tenterden site and it is considered that these benefits outweigh the comparatively minor shortcomings against the aspirations of policies CP 18 and DMP 8. As a result, officers consider that the proposal is acceptable in principle.

#### **Scale, height, massing and design of the development within its local context**

16. The plans demonstrate the building is to be composed of two storeys and aligned in a T-shape. The building will be about 7.45m high in its southern portion and 10.15m high above the sports hall floor at the rear (north) side of the building. The southern portion of the building would have a flat roof whilst the northern portion containing the sports hall would have a roof with a shallow pitch with gable ends on the east and west edges of the building. It is considered that the building is of an appropriate scale for a multi-purpose pavilion and community sports facility and that it is not likely to be overbearing in the context of its surroundings. The building would stand alone, with the nearest buildings (two storey residential buildings lining Preston Road and Preston Waye) being sufficiently far away (50m+) and out of view so as to not inform or set precedent for the local context.
17. The elevations clarify the specification and visual appearance of the building's external materials. The prevailing visual features would be dark grey brickwork at low level and a white and light grey silicone render at higher level with a polymeric roof. The cladding at higher level will have darker coloured strips that would appropriately articulate the facades. The materials are considered to be suitable choices and the appearance would likely be acceptable subject to officers reviewing samples of these materials prior to above ground works commencing. A condition will require that the material samples are reviewed by the officer prior to above ground works commencing. This will be to ensure that the building will have an appropriate finish.

### **Design and layout**

18. The proposal is it to contain approximately 1,503sqm of internal floor space. About 766sqm will form the double height sports hall itself on the northern side of the building, whilst the remaining floor space is to be provided on the southern side of the site, across two floors. The ground floor is to provide the clubroom for Forest United, the local football club based at the site, associated storage as well as offices, reception area, physio room and plant room. The first floor is to provide a large studio space and associated storage as well as a viewing gallery allowing people to spectate activities in the sports hall.
19. Finally, four sets of changing rooms are to be provided, two sets on each floor. The first floor changing rooms include two shower rooms. WC facilities are also to be provided across both floors.
20. At ground floor, the building will have a main entrance on the southern edge of the building, immediately bordering the car parking area. Six additional accesses are to be provided, two on the west elevation providing access to the Forest United club room and Forest United Store respectively, one on the east elevation providing access to the plant room in isolation and three on the south elevation of the sports hall itself.
21. The building will be located partly across the current car park, and will remove 18 current car parking spaces.
22. The overall design and layout is appropriate and will provide a logical arrangement allowing for Forest United, Teaching and public community uses.

### **Impact on amenities of neighbouring properties**

23. In order to be acceptable when judged against Brent's DMP1 policy, it will be necessary for the application to demonstrate that the development meets all standards within Brent's SPD1 guidance for new developments in respect of its impact on the nearest existing residential units and the other proposed residential blocks within the development.
24. The relevant amenity impact tests within this guidance would relate to privacy and undue enclosure at residential properties. The relevant tests of this impact are as follows:

#### Privacy

25. The amenity impact considerations require that all windows within the proposal are at least 9m from the boundary with neighbouring private gardens and 18m between directly facing windows. This is set out in SPD1. The only windows on the east elevation (facing the properties on Preston Road) serve the entrance lobby, and these are located approx. 17.8m from the boundary with the residential gardens and approx.. 32m to the nearest rear habitable room windows. As such, the proposal would not be considered to detrimentally affect neighbouring amenity in respect of overlooking and loss of privacy.

#### Undue Enclosure

26. In the interests of protecting existing properties from overshadowing and losses of light, all buildings proposed should generally sit underneath a 45 degree line drawn from a 2m height at the nearest edge of the nearest residential garden boundaries towards the proposed buildings. The proposed buildings should also generally sit underneath a 30 degree line drawn from a 2m height at the nearest rear habitable room windows within neighbouring properties. This is set out in SPD1.
27. The closest residential property to the proposed building is 299 Preston Road, with the shortest distance between the proposed building and the rear garden boundary of this property being about 16.8m. Given the scale of the building and this level of separation, the development would comply with the 45-degree line and 30-degree line test in respect of this property and all other potentially affected properties.

## **Transport**

### Car Parking Capacity and Availability

28. The site is adjacent to a Council run car park (Preston Road) which has 163 car parking spaces, with 141 spaces being for the sole use of season ticket holders and 22 spaces for pay and display users with 3 of these pay and display spaces being disabled bays and a further 4 being parent and child bays, as well as two electric charging points.
29. An objection made by Forest United Youth FC raises concerns that free parking for the existing pavilion is to be lost as part of this proposal. However, the only sanctioned forms of parking on the site are the pay and display/season ticket holder parking bays referred to above. Any forms of informal parking outside of the sanctioned bays (such as space that may have been available on the hardstanding between the car park and the existing pavilion which is to be removed) would not hold weight in transport terms as it does not constitute formalised or intended car parking space. Since no formal means of free parking is available at Tenterden Sports Ground car park it would not be commensurate with current transport policies (including DMP12 in the adopted local plan or BT1 & BT2 in the emerging local plan) to promote car parking by officially sanctioning free parking where it does not replace an existing provision. It would also result in a loss of revenue to the council and would add to the administration of the car park in order to enforce areas of free parking for specific users.
30. The parking charges for the car park are as follows:-

Charged hours - Monday to Saturday 8am to 6.30pm Event Day - 8am to midnight (outside of these hours parking is free)

- First hour - no charge
- One to three hours - £1 for one hour then 20p per six minutes
- Three to five hours - £4.50 for three hours then 25p per ten minutes
- Over five hours - £7.50

31. With regards to the capacity of the existing car park, parking services have confirmed that the existing pay and display bays are well used and although the season ticket car park reaches capacity during event days, it is relatively underutilised for the remainder of the time.

### Car Parking Layout

32. The proposed pavilion development would occupy a 15.3m x 22.8m segment of the middle car park, which would result in a loss of 16 car parking spaces from the middle car park (currently assigned as a Wembley Stadium event day permit holders' car park). The applicant's submitted plans do not precisely identify the correct location and number of parking spaces and this minor discrepancy results in the applicant's plans showing 20 existing car parking spaces being removed. The applicant's plans show one more space than is actually present in the lower (western) car park and seven more spaces than are actually present in the middle car park. The extent of the parking area has been shown correctly, but the markings within the car park have not. The application has been assessed on the basis of the actual parking layout, and the number of spaces that can be accommodated within the proposed layout. A condition will require that a fully accurate plan is submitted to confirm the exact losses to the middle car park that would result from the proposal, prior to any works commencing. In any case, losses of permit holder car parking spaces within this range has been agreed in principle by parking services although they note it would result in a loss of revenue. New boundary treatment is proposed to divide the pay and

display car park from the season ticket/event day car park together with the relocation of the existing height restriction.

33. The proposals also involve rearranging some of the parking bays in the pay and display (upper) car park in order to provide disabled parking in order to meet the minimum requirements by converting the 4 parent and child spaces to disabled spaces. Parking Services have no objection in principle to the loss of parent and child spaces as the inability to legally enforce the parent and child bays is an ongoing concern. However it is important that the distance from the disabled bays to the new building entrance would be within the maximum guideline distance of 50m for an uncovered route and it is unclear whether the gradient of the slope connecting the different levels of the car park would be within the maximum allowed gradient for disabled users. To overcome this, Transport have recommended that 2 disabled parking spaces are located within the 1<sup>st</sup> aisle of the eastern half of the lower car park and the latest plans for consideration now reflect this arrangement. The latest plans also show that the number of car parking spaces in the upper car park is to be reduced, with 3 standard bays being lost, 2 blue badge bays being lost and 2 electric vehicle charging bays being lost. However, these changes have not been approved by parking services and the development will need to proceed on the basis that the upper car park's layout does not change aside from the conversion of parent and child bays to blue badge bays. This would be secured in the condition that requires the submission of an accurate proposed car park plan. Overall, based on the changes to the car park which have been shown in the proposed car park plan, the further changes to the car park which would be required by condition and on the basis that the pavilion will displace 16 existing car parking spaces, the proposal would result in the following changes to the car park:

#### Changes by car park segment

##### *Lower (western) car park*

- Unchanged - (60 spaces)

##### *Middle car park*

- Losing 16 through the new pavilion
- Losing 1 through the creation of 2x blue badge spaces in place of 3x standard spaces
- Total loss 17 - (from 81 to 64 spaces)

##### *Upper (eastern) car park*

- Number of spaces unchanged - (22 spaces)
- Re-allocating 4x parent and child bays to blue badge bays resulting in an overall provision of 13x standard bays, 7x blue badge bays, 2x electric bays
- Total car parking spaces to be lost: 17 - (from 163 to 146 spaces)

#### Changes by car park type

##### *Permit holders car park*

- Losing 16 through the new pavilion in middle car park
- Losing 1 through the creation of 2x blue badge spaces in place of 3x standard spaces in middle car park
- Losing 15 through re-assignment to pay and display spaces in middle car park
- Net loss of 32 - (from 141 to 109 spaces)

##### *Pay and display car park*

- Gaining 15 through re-assignment from permit holder spaces in middle car park
- Re-allocating 4x parent and child bays to blue badge bays resulting in an overall provision of 26x standard bays, 9x blue badge bays, 2x electric bays
- Net gain of 15 - (from 22 to 37 spaces)

34. The proposals also include the provision of a footway approximately 1.8m wide between the building and the car park separated by vehicular protection fencing and this has necessitated the reconfiguration of some of the car parking spaces so as to retain the minimum length requirements for car parking spaces of 4.8 metres and the minimum access aisle width requirement of 6 metres. Whilst the minimum standard for a car parking space width within current policy is 2.4 metres, the width of the reconfigured parking bays (aside from blue badge bays) is to be retained at 2.2 metres, which is the standard that has long been applied across the car park. This is accepted by parking services and highways officers based on its continuity with the existing arrangement and the fact that the proposal is not providing additional car



parking spaces overall, but merely replacing a number of the existing bays..

35. For this to be an enlarged pay and display car park to cater for the expected increase in demand for parking as a result of the proposals, there would also need to be a suitable relocation of the gates which control access to the season ticket/event day parking area. The reconfiguration of the car park as shown on the plans has also accounted for a suitable westward movement of the gating and height restriction which control access to the season ticket/event day parking area.
36. The applicant's red line location plan does not include the full extent of the car park area to which works would be needed and which are indicated on the proposed car park layout plan. Because of this, and given the Council's freehold ownership of the land, the works to alter the car park as discussed above will need to be secured through a Section 106 agreement planning obligation.

#### Cycle Parking

37. A minimum of 10 short stay cycle parking spaces are required. The Transport Statement indicates that these would be provided by way of 5 Sheffield stands located at the front entrance of the building. The latest plans indicate 5 Sheffield stands to the north of the first car parking aisle, providing the minimum capacity of 10 short stay cycle parking spaces. The provision of this will be secured by condition.

#### Pedestrian Safety and Permeability

38. In order to increase pedestrian permeability Transport have requested a direct footpath from the building to the existing north-south footway to the west of the car parks, thus improving pedestrian connectivity towards Kenton. Such a footpath was shown indicatively on previous iterations of the site layout plans, although the applicants advise that their agreement for lease does not cover the area within which this footpath would need to be delivered. Furthermore, the footpath would result in further loss of open space, contrary to the requirements of policies CP18 and DMP8. On balance, officers consider that the new footpath should not be delivered and that the protection of the open space to the west of the proposed pavilion building should be prioritised over taking the opportunity to improve formal pedestrian connections in the area.

#### Transport Impact

39. The principal weekday use of the sports hall building would be to provide sporting facilities for a local school – Lycée International de Londres Winston Churchill located at the former Brent Town Hall.
40. Both the design and access statement and transport statement mention that students would be transported between the site and school by way of minibuses, although the design and access Statement also indicates that students would make their own way there if their lessons are at the start of the day or make their own way home if lessons finish at the end of the school day. This latter arrangement is likely to lead to dropping off and picking up of students by cars in the mornings and evenings at this site, although this may simply substitute for such activity at the school itself.
41. The applicants have submitted vehicle tracking showing how a mini-bus would access the site and be stationed outside of the sports hall for temporary periods of time for drop-offs and pick-ups. The applicants have also submitted an indicative timetable for minibus movements, indicating the following schedule of movements:

*2 x group classes (circa 30 students in each class) will use the facilities at any one time with the following timetable:*

- *8.00am – students and teachers arrive at the facility by their own means – circa 60no. students and 2no. PE teachers*
- *10.00am – minibuses depart Lycee International Londres (LIL) and drop off another 60 students. Assumes the PE teachers remain at the school and school staff take part of the minibus journey to the sports facility and back with the 60 pupils finishing their lessons*
- *12noon – minibuses parked at LIL go to pick up pupils and PE teachers for lunch at the school.*
- *2.00pm – minibuses depart LIL and drop off 60 students and 2no. PE teachers*
- *4.00pm - minibuses depart LIL and drop off another 60 students. Assumes the PE teachers remain at the school and school staff go take part of the minibus journey to the sports facility and back to supervise pupils*

- 6.00pm – end of last lesson and pupils leave the sport facility by their own means
  - Lycee International de Londres will use 17 seater minibuses - that is 4 no. minibuses that will do 4 no. round trips departing from Lycee International de Londres each day.
  - The journey takes circa. 7min between the two facilities.
  - Therefore, the traffic impact is considered to be very low.
42. The school caters for students from Year 1 to Year 13. The supporting information in the design and access statement justifies the need for the facilities due to the existing sporting facilities at the school being insufficient to meet demand. The new facility would enable the high school year's students to undertake their sports lessons there, whilst allowing other students to use the existing facility on site. In order to manage transport impact at the site appropriately, a condition will require the number of minibus movements to the car park each day to be limited to 16 comings and 16 goings unless an alternative arrangement is first approved in writing by the Local Planning Authority.
43. Information as to where minibuses will drop off students or how minibuses will be able to manoeuvre within the site has been submitted within the latest site layout plan. The revised barrier locations would negate the need to raise the height restriction barriers to enable minibus access to the pavilion entrance. A management plan for the opening and closing of the height restricting barrier would need to be implemented when oversized vehicles require access. This will be required by condition.
44. To be able to secure the promotion of sustainable modes of transport in accessing the pavilion, a Travel Plan will need to be secured. This would need to provide baseline figures on current work travel patterns and targets to reduce reliance on private motor vehicles to allow travel by car to be reduced in the interests of environmental sustainability and of local parking capacity. This will be secured as a Section 106 obligation.

#### Construction Logistics

45. The submitted site logistics construction plan indicates that over 35 extra season ticket/event day car parking spaces (on top of the 18) would be lost during the construction period. The extent of this loss and timescales would need to be agreed with Parking Services. A more detailed construction logistics plan would be needed and specific construction dates should be set out to confirm whether Stadium event days would be impacted by the closures associated with construction. A condition will require this. The parking services team would likely seek compensation from the applicant where construction prevents normal uptake of event day permit holder spaces. Recouping the revenue loss could not reasonably be secured through a planning obligation as it is not a material planning consideration and would need to be agreed separately between parking services and the applicant.

#### Garages to dwellings fronting Preston Road

46. Whilst the applicant's Transport Statement indicates that the access road to the existing pavilion also provides access to garages belonging to dwellings fronting Preston Road, having reviewed the current arrangement it does not appear that any rear garden outbuildings serving properties that back onto this strip of hardstanding provide vehicle access at present. Therefore, the loss of the hardstanding is not considered to prejudice these occupiers. It is also noted that none of the properties affected by this have commented on the application or raised this as a concern.

#### Car park lighting

47. One of the comments received on this application raised a concern about lighting. The commenter noted that lighting within the car park has not been turned on since June 2020 and that this has been effective in deterring anti-social behaviour at the car park. The commenter has requested that the pavilion does not make use of external lighting after dark so as to uphold the improved safety of the car park. Whilst the applicant has submitted a provisional external lighting plan, the plan does not include details of light spillage or lux levels. A condition will require that further details of external lighting are submitted and approved prior to the use of external lighting at the site. The condition will also require consultation with the Council's parks and parking teams so that they can consider if the lighting would be acceptable in the context of other initiatives (e.g. whether it would be desirable for lighting to be turned off when activities within the pavilion have finished).

#### **Sustainability, Drainage, Ecology and Tree Considerations**

## Sustainability

48. Brent's adopted CP19 policy and draft BSUI1 policy set out a requirement for major applications for non-domestic development to include a BREEAM pre-assessment demonstrating that a score of 'Excellent' will be achieved within the new development. In addition, a Section 106 obligation will normally require that a post-implementation BREEAM assessment is submitted shortly into the operation of the new building to confirm the achieved BREEAM rating. A BREEAM pre-assessment has been provided which indicates the building can achieve a rating of BREEAM Excellent. The pre-assessment has been reviewed by the Council's sustainability officer and it is agreed that the details are acceptable. A Section 106 agreement obligation will require the submission of a BREEAM post-assessment to confirm the final BREEAM rating is in line with expectations.
49. Policy 5.2 of the adopted London Plan requires that major applications for non-domestic buildings submitted between 2016 and 2019 achieve relevant building regulations requirements set out in part L of the building regulations. Given that no requirements that exceed the building regulations are set out, no planning obligations will be imposed in this respect. For clarity, Policy 5.2 and the corresponding Intend to Publish London Plan policy SI 2 set out an expectation for zero carbon development to be achieved (even if through carbon offsetting in part) in the context of applications for non-domestic buildings submitted after 2019, however, given the 2018 submission date of this application, this requirement cannot reasonably be imposed in this instance.

## Drainage

50. The site is located in an area with low probability of flooding (zone 1) in accordance with the Environment Agency's fluvial flooding maps. However, Brent's local lead flood authority has observed localised flooding problems in this area as a result of surface water runoff resulting from the steep changes in ground level at the site. The flooding problems are generally observed to affect the John Billam Sports Ground and Silverholme Close to the west most severely, but given the site's proximity to this location and the surrounding gradient changes Brent's Local Lead Flood Authority considers that drainage attenuation should be given careful consideration at this development.
51. In line with the requirements of Brent's DMP9B policy, an onsite water management and surface water attenuation plan has been submitted with the application to demonstrate that general surface water runoff rates will be reduced down to Greenfield levels through the use of sustainable drainage techniques. Brent's Local Lead Flood Authority has reviewed these details and it is considered that the details are sufficient to recommend support for the proposal. The Local Lead Flood Authority specifically notes the proposed building will be set fairly high in comparison to adjacent ground. The surface water will be well managed on-site and the developer will be providing a green roof and below ground storage tanks to manage water on site. The surface water discharge will be restricted to 5 l/s and this will reduce the flood risks in the area. In addition, permeable paving is proposed which will reduce the flow in the system.
52. It is considered that the details are acceptable and the details of the drainage reports submitted are to be secured by condition.

## Trees

53. A full tree survey, arboricultural impact assessment and tree protection plan has been submitted alongside the application.
54. The arboricultural report has surveyed 82 trees within and within close proximity of the site and 2 groups of trees. Four trees and 1 group of trees are to be removed due to their close proximity to the sports hall. This includes 2 category B trees, 2 category C trees and a group of Category C trees. A further six trees are to be removed as a result of their very poor condition (category U). The remaining trees are to be fenced off with protective fencing to protect their condition during construction. The tree officer notes that the removal of the existing hardstanding along the eastern edge of the Tenterden site as is proposed would likely benefit the remaining trees in the long term and enable a better root spread.
55. One of the trees to be removed owing to its proximity to the pavilion is a mature willow tree and the loss of this tree would ideally be avoided. Nonetheless, the placement of the pavilion building would result in it sitting 5 metres from the edge of the marked out playing field to the west and farther movement to the west would compromise the usability of this playing field and a movement of the pavilion building away from the willow tree would not be encouraged from this perspective in protecting the integrity of the

sporting facilities within the Tenterden site.

56. Whilst the majority of the surveyed trees would be able to be kept and protected from damage, six trees with some amenity value would be lost, including a willow tree which has considerable amenity value. Brent's tree officer has requested that this tree loss is mitigated through applicant funding of additional tree planting along the northern boundary of the pavilion and along the northern boundary of the car park to the west of the pavilion. Funding of £6,000 is sought from the applicant to plant between 10 and 12 extra heavy standard trees with the indicative location of the trees drawn up by the Council's Tree Officer to the north of the car park west of the pavilion and to the north of the proposed pavilion, and adjacent to the boundary with the properties on Preston Road. Given that Brent Council is the freeholder, the trees would be planted by Brent with applicant funding and the planting would need to be situated close to the edge of the playing fields so as to preserve the openness of the playing fields to the north.
57. Sport England have reviewed an indicative planting plan for the replacement trees drawn up by Brent's tree officer and consider that the tree planting would result in some further playing field loss, but also acknowledge that the tree positioning close to the edges of the playing fields would be unlikely to have a significant impact on the site's sporting capacity compared to a scenario where the trees are not delivered. On balance, Sport England have advised that they will not object to the tree planting proposals on pragmatic grounds. Officers have considered the concerns raised by Sport England but would consider that the positive visual amenity benefits that the trees would deliver over time, especially in the context of the loss of the existing willow tree, would outweigh the minimal encroachment on the openness of the playing fields that they would incur.
58. In accepting the tree planting, Sport England have strongly advised that the trees and roots of the newly planted trees should not impact on the quality of the playing field nor the integrity of the proposed building. Brent's tree officer considers that there will be no risk of tree related building damage with regards to the proposed new trees and has advised that modern building methods and standards require that foundations are designed to withstand the potential volumetric changes that soil may undergo where nearby tree roots populate a shrinkable clay soil.
59. Following the above discussion, planning conditions are to be applied which would require the developer to adhere to the tree protection plan in full and to have the tree officer at Brent observe the installation of the protection measures for the retained trees. A Section 106 obligation will be imposed to safeguard the £6,000 requested for the tree planting along the northern edge of the site in mitigating the losses.

### Ecology

60. The applicants have submitted an ecology report prepared by a suitably qualified professional which sets out the predicted impact to the ecological value of the site. The report's assessment sets out that the existing site is very low in ecological value with a negligible potential to support protected, priority or rare wildlife species given the short grass length and regular human play activities which take place on the field. The report states that there is no strong likelihood of statutory protected species being on site at present. Nonetheless, in seeking to minimise any loss of ecological value as a result of the proposal, the applicant's ecologist has made recommendations for the development which include:
- Use of low level LED lighting to minimise disturbance to bats
  - Tree reductions to occur outside of bird nesting season (or subject to an active bird nest check)
  - 8 bird boxes and 3 bat boxes are recommended to be incorporated within the development as biodiversity enhancement measures on site.
61. The recommendations for mitigation and enhancement of ecology as set out in the report will be secured by condition and will be required to be shown on a plan which is to be submitted, approved and implemented prior to the occupation of the development.

### **Environmental Health Considerations**

62. The Council's Environmental Health officers have been consulted regarding this application. A response has been received from Brent's nuisance control team in response to the noise impact survey submitted with the application. The Council's environmental health officers have noted that the application does not consider noise from the proposed sports pavilion. The nuisance control team require the applicant to submit a statement or a noise assessment showing that noise emanating from the use of the sports hall and exercise studio will not result in a material impact in relation to noise disturbance to the occupiers of nearby residential units. A condition will require that such a report is submitted and approved prior to first

occupation of the pavilion.

63. Given the nature of the development, the submission of a construction management plan is to be required ensuring that impacts to surrounding occupiers owing to construction is minimised. This will also be required by condition.
64. Another standard condition in relation to environmental health for development on this scale is the plant noise restriction condition. This condition will require that an assessment of the plant noise is carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the required noise levels are submitted for approval.
65. Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM. A condition will impose this restriction on the developer.
66. Finally, a condition requiring details of external lighting to be submitted will be applied. This will ensure that any lighting proposals can be confirmed as acceptable in terms of safety and nuisance in respect of lighting placement and brightness.
67. The development is not within an air quality management area but is major in scale and therefore requires the submission of an air quality assessment to demonstrate achievement of air quality neutral criteria in line with London Plan policy 7.14 and Intend to Publish London Plan policy SI 1

### **Equalities**

68. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

### **Conclusion**

69. Overall, the proposal would see a minimal loss of open space (about one square metre) alongside significant betterment in terms of the indoor sporting facilities which complement the wider intended sporting use of the open space. On balance, the proposal is considered to be acceptable in principle when judged against the requirements of Core Strategy Policy CP 18 and DMP Policy 8 and it is considered that a net gain in terms of community benefit will be experienced.
70. The indoor sporting facilities would be highly sustainable and would achieve BREEAM 'Excellent' and would be provided within a suitably sized building with an acceptable appearance. The building would not contravene any of the Council's guidance seeking to protect acceptable visual amenity impact to the residential occupiers surrounding the sports ground. The building works would also incorporate drainage measures to reduce surface water runoff rates and result in a reduction in local flood risk.
71. The proposed pavilion would be delivered alongside a reconfigured car park with an overall loss of 17 car parking spaces but an expanded pay and display capacity for public use at parking charge rates commensurate with public transport costs and improved disabled parking facilities. The lost parking spaces would result in a reduced event day permit holders parking area only. Suitable cycle parking facilities would be introduced to the car park and suitable external lighting and CCTV would be secured by condition. Whilst six trees with some amenity value and four trees of minimal amenity value would be lost, a contribution of £6,000 is to be secured for new tree planting with an indicative location shown to the north of the car park, whilst between 10 and 12 trees would be newly planted by the Council to the north of the car park and pavilion, and along the boundary with the properties on Preston Road, which would be funded by the applicant. Suitable ecological measures would be implemented to minimise loss to habitat and to potentially improve it through the use of bird and bat boxes.
72. In conclusion, officers recommend the application for approval, subject to conditions and set out in draft decision notice and completion of Section 106 Agreement.

## CIL DETAILS

This application is liable to pay **£104,645.58** \* 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): sq. m.

Total amount of floorspace on completion (G): 1505.72 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Assembly and leisure	1505.72		1505.72	£5.00	£0.00	£11,225.68	£0.00
(Mayoral) Assembly and leisure	1505.72		1505.72	£0.00	£60.00	£0.00	£93,419.90

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	£11,225.68	£93,419.90

\*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.



**Brent**

**DECISION NOTICE – APPROVAL**

Application No: 18/4008

To: Mr Goodwin  
Darwin Group Ltd  
Darwin Group Ltd  
Shawbury Business Park  
Shawbury  
Shrewsbury  
SY4 4EA

I refer to your application dated **22/10/2018** proposing the following:

Demolition of existing pavilion building and reinstatement of green space; construction of a part 2 and part 3 storey sports and recreation centre with ground floor office and reception area; reconfiguration of the existing car park and associated soft landscaping, to provide sporting facilities for local school, community and football club (Forest United)

The proposed development does not accord with the provisions of the development plan in force in the area as it seeks to develop land protected as open space within Brent's Core Strategy policy CP18.

and accompanied by plans or documents listed here:  
Refer to condition 2.

**at Tenterden Pavilion & Sports Ground, 289 Preston Road and Car Park rear of 291-297 Preston Road, Harrow, HA3**

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: 06/10/2020

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.





## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposal is in general accordance with the following documents:

*Adopted Policy*

- The National Planning Policy Framework (2019)
- The London Plan (2016 – Consolidated with alterations since 2011)
- Brent's Core Strategy (2010)
- Brent's Development Management Policies (2016)

*Emerging Policy*

- The Intend to Publish London Plan (2019)
- Brent's Local Plan (Reg 19 Version – 2019)

*Supplementary Planning Guidance / Documents*

- SPD1 Brent Design Guide (2018)

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

180053-DGL-XX-XX-DR-A-1100 Rev P1 – Existing Topo and Services  
180053-DGL-XX-XX-DR-A-1120 Rev P1 – Site Location Plan  
180053-DGL-XX-XX-DR-A-1130 Rev P1 – Existing Site Plan  
180053-DGL-XX-XX-DR-A-1140 Rev P1 – Proposed Site Plan  
180053-DGL-XX-XX-DR-A-1145 Rev P4 – Proposed Car Park Layout  
180053-DGL-XX-XX-DR-A-1150 Rev P1 – Existing Block Plan  
180053-DGL-XX-XX-DR-A-1160 Rev P1 – Proposed Block Plan  
180053-DGL-XX-XX-DR-A-1100 Rev P1 – Existing Topo and Services  
180053-DGL-01-XX-DR-A-1170 Rev P1 – Site Logistics Plan  
180053-DGL-XX-XX-DR-A-1180 Rev P1 – Green Space Area  
180053-DGL-01-00-DR-A-1410 Rev P1 – Landscaping Plan  
180053-DGL-01-ZZ-DR-A-2000 Rev P1 – General\_Arrangement  
180053-DGL-01-RL-DR-A-2002 Rev P1 – Roof Plan  
180053-DGL-01-XX-SH-A-2100 Rev P1 – Proposed Elevations  
180053-2101 Rev P1 – External Lighting Plan  
180053-DGL-XX-XX-M3-A-2200 Rev P1 – 3D\_Visuals

8877-EPG-ZZ-XX-DR-D-0001(-) – Below Ground Drainage Layout & Details  
8877-EPG-ZZ-XX-DR-D-0002(-) – Surface Water Sustainable Roof Drainage Layout

Supporting Documents:

- Underground Drainage Strategy (reference: EPG-8877-RP-DS-01), prepared by the Environmental Protection Group Ltd (EPG) and dated July 2018.

- Arboricultural Impact Assessment prepared by Skilled Ecology Consultancy Ltd and dated September 2018.
- BREEAM New Construction – Pre-assessment 2014 – Tenterden Sports Hall, prepared by BRE and dated July 2018.
- BREEAM UK New Construction 2014 – Guidance Note GN13 – Relating ecologist's report to BREEAM
- Tenderden Sports Ground, Harrow Noise Survey Summary (ref: L0929.1 V1), prepared by Red Twin Ltd and dated June 2017.
- Preliminary Ecological Assessment Including a Protected Species Assessment of Land and Buildings at Tenterden Sports Ground, Preston Road, Brent, London. prepared by Skilled Ecology Consultancy Ltd, dated July 2017.
- Refurbishment and Demolition Asbestos Survey (ref: TAG/A/0000TT3875), prepared by Trinity Alexander Group, dated January 2018
- Community Access Plan – Planning Application Stage

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

- 3 The building hereby approved shall not be used, other than as an indoor sports and recreation facility, as a community hall or as an educational facility, notwithstanding the provisions of the The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting either Order with or without modification).

Reason: To ensure the use of the site is appropriate for the location.

- 4 The amendments to the car park as reflected in the revised car park layout plan as set out in condition 11 below and to be implemented as part of the Section 106 obligations for the development shall be made completed in full and made available for use prior to the first occupation of the development hereby approved.

Reason: To ensure that the development is fit for purpose and appropriately mitigates transport impact.

- 5 The cycle parking infrastructure hereby approved shall be implemented and made available for use prior to the first occupation of the development hereby approved. The cycle parking infrastructure shall only be used for purposes ancillary to the sports building hereby approved.

Reason: To ensure the development is fit for purpose.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies 5.3 and 7.14.

- 7 The development shall be carried out in full accordance with the details set out in the submitted Underground Drainage Strategy (reference: EPG-8877-RP-DS-01), prepared by the Environmental Protection Group Ltd (EPG) and dated July 2018.

Reason: To ensure the development improves the drainage capacity of the site in line with Brent Policy DMP9.

- 8 The development shall be carried out in full accordance with the method statements set out in the submitted Arboricultural Impact Assessment prepared by Skilled Ecology Consultancy Ltd and dated September 2018.

Reason: To ensure the development makes appropriate provisions for protecting trees.

- 9 Subsequent to the erection of fencing to protect trees on site, but prior to the further commencement of the development, the Council's tree officer shall visit the site and confirm that the protective fencing has been erected adequately and in precisely the correct location.

Reason: To ensure the effective safeguarding of trees on site.

- 10 Following the commencement of the use of the pavilion hereby approved, no more than 16 minibus journeys to and from the site shall be undertaken per day in connection with usage of the proposed and existing sports facilities at the site for the purposes of school sports / physical education lessons. The vehicles used in transporting school students and staff within this allotted number of journeys shall not exceed 6.5 metres in length. The above requirements shall be upheld in perpetuity unless an alternative arrangement is first approved in writing by the Local Planning Authority.

Reason: To ensure that the safety and usability of the Tenterden Sports Ground car park is not unduly compromised.

- 11 Prior to the commencement of the development, a revised proposed plan of the Tenterden Sports Ground car park shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submitted plans shall precisely identify the existing placement, proposed losses and proposed re-configuration (where relevant) of parking spaces within the car park. The changes shall incorporate no changes to the upper (eastern) car park aside from the re-allocation of 4x parent and child bays to 4x blue badge disabled bays. The construction of the development shall be carried out in accordance with the approved document.

Reason: To enable effective management of the car park on site.

Pre-commencement Reason: The potential for car park closures needs to be known by Brent's highways officers prior to the closures being necessary, for planning and management purposes.

- 12 Prior to the commencement of the development, a revised Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submission shall provide information on the extent of closures to the car park owing to construction and associated timescales of those closures. The construction of the development shall be carried out in accordance with the approved document.

Reason: To enable effective management of the car park on site.

Pre-commencement Reason: The potential for car park closures needs to be known by Brent's highways officers prior to the closures being necessary, for planning and management purposes.

- 13 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submission shall outline measures that will be taken to control dust, noise and other environmental impacts of the development. The construction of the development shall be carried out in accordance with the approved statement.

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

Pre-commencement reason: The impacts of the construction need to be understood before they are able to occur.

- 14 Prior to the commencement of the development, an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submission shall demonstrate how the development would achieve the air quality neutral criteria set out in London Plan policy 7.14. The development shall be thereafter implemented in accordance with the approved document.

Reason: To ensure the development appropriately limits its environmental impact.

Pre-commencement reason: Air quality impacts can stem from construction practices. The mitigation measures therefore need to be known prior to the commencement of the development.

- 15 Before any work is commenced (excluding demolition and the laying of foundations), details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The development 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.

- 16 Prior to the commencement of the development (excluding demolition and the laying of foundations), a revised noise report shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The noise report shall demonstrate that expected noise levels emanating from the use of the proposed sports hall and exercise studio room will not be detrimental to the noise amenity of the occupiers of nearby residential units.

The development shall not be occupied unless in accordance with the mitigation measures set out in the approved noise report, where relevant.

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

- 17 Prior to commencement of the development (excluding demolition and the laying of foundations), a plan showing the following biodiversity mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition:

- Use of low level LED lighting to minimise disturbance to bats
- Tree reductions to occur outside of bird nesting season (or subject to an active bird nest check)
- 8 bird boxes and 3 bat boxes are recommended to be incorporated within the development as biodiversity enhancement measures on site.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the development makes appropriate provisions for the protection and enhancement of biodiversity.

- 18 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England and through the submission of an application for approval of details reserved by condition. A copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the sports hall and ancillary facilities and include details of:

- Pricing policy, with hire rates that are genuinely comparable with rates at public sector run sports hire facilities in the local area
- Suitable hours of use
- Access by non-educational establishment users
- Management responsibilities
- Measures that will be taken to engage with less active people in the community
- A mechanism for review

The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

- 19 Prior to the first occupation of the development hereby approved a Travel Plan for the sports pavilion shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The Travel Plan shall incorporate targets for minimising vehicle based journeys to the site, monitoring of those targets and associated measures to meet those targets. The Travel Plan shall be continually monitored thereafter.

Reason: To ensure the development makes provisions for promoting sustainable transport modes.

- 20 Prior to occupation of the development hereby approved, a management plan detailing the arrangements for the opening and closing of the height restricting barrier within the approved car park plan when oversized vehicles require access shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The development shall thereafter operate in accordance with the approved management plan.

Reason: To ensure the car park is managed appropriately and enables access to all vehicles.

- 21 Prior to the installation of any external lighting, further details of any proposed external lighting, including details of lux levels and light spillage diagrams, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Parks and Parking teams to confirm if the external lighting proposals would be acceptable in the context of wider initiatives in the car park. The details shall be submitted through the submission of an application for approval of details reserved by condition.

Any external lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual amenity impact and safety from external lighting.

- 22 Prior to the installation of any Closed Circuit Television Cameras (CCTV), further details of any proposed CCTV placement and specification shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

Any CCTV shall thereafter be installed and maintained in accordance with the approved details.

Reason: To ensure a suitable CCTV arrangement on the site.

- 23 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. The assessment shall be submitted through the submission of an application for approval of details reserved by condition. All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours.

## 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 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 Given the age of the buildings to be demolished, asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

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## Agenda Item 04

### Supplementary Information Planning Committee on 14 October, 2020

Case No. 18/4008

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Location	Tenterden Pavilion & Sports Ground, 289 Preston Road and Car Park rear of 291-297 Preston Road, Harrow, HA3
Description	Demolition of existing pavilion building and reinstatement of green space; construction of a part 2 and part 3 storey sports and recreation centre with ground floor office and reception area; reconfiguration of the existing car park and associated soft landscaping, to provide sporting facilities for local school, community and football club (Forest United)

The proposed development does not accord with the provisions of the development plan in force in the area as it seeks to develop land protected as open space within Brent's Core Strategy policy CP18.

#### Agenda Page Number: 15-52

Members are made aware of the following corrections to the committee report:

1. The description of condition 4 within the Recommendations section should refer to a S106 agreement to secure works to the car park rather than this being done through a S278 agreement.
2. The discussion of the fifth ground of objection on page 8&9 and on page 37 incorrectly states that trees will not be planted in place of the previous pavilion, however half of the replacement tree planting to be funded by the applicant is actually intended to establish trees in this location. For clarity, half of the trees are proposed to be planted to the north of the car park and proposed pavilion whilst the other half are proposed to be planted in the area where the existing pavilion is currently situated.
3. The discussion of the ground of objection relating to speed humps on page 10 and 37 states that the S106 head of term can secure the re-provision of speed humps. However, this is a matter for parking services to consider and it cannot reasonably be secured as a requirement for this application as it would not be necessary for the application to be acceptable.

**Recommendation: Continue to grant consent subject to S106 agreement and the planning conditions as set out in the committee report**

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

14 October, 2020  
05  
20/0685

## SITE INFORMATION

<b>RECEIVED</b>	28 February, 2020
<b>WARD</b>	Northwick Park
<b>PLANNING AREA</b>	
<b>LOCATION</b>	79-83 ODDS, Kenton Road, Harrow, HA3 0AH
<b>PROPOSAL</b>	<p>Variation of condition 2 (approved plans) to allow:</p> <ol style="list-style-type: none"> <li>1. Narrowing of vehicular access ramp</li> <li>2. Installation of one-way traffic control system</li> </ol> <p>of Full Planning Permission reference 17/3717 dated 15 May 2018 (and subsequent minor material amendment ref: 19/4473) for demolition of existing dwellinghouse and erection of a part three part four storey building comprising 39 self-contained flats (27 X 1bed, 8 x 2bed and 4 x 3bed) with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping, subject to a Deed of Agreement dated 15 May 2018 under Section 106 of the Town and Country Planning Act 1990, as amended (and subsequent Deed of Variation dated 18th August 2020).</p>
<b>PLAN NO'S</b>	See Condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<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_149136">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_149136</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "20/0685" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

A. The prior completion of a satisfactory deed of variation to the existing Section 106 legal agreement to link the new consent (if granted) to the original agreement:

Section 106 Heads of Terms were as follows:

1. Payment of legal and professional costs
2. Notification of material start 28 days prior to commencement
3. Securing 4 affordable housing units as intermediate units together with post implementation review.
4. Contribution towards a local carbon off-setting scheme to achieve the London Plan targets for carbon reduction, should those targets not be met through on-site measures.
5. Training and Employment
6. Any other planning obligation(s) considered necessary by the Head of Planning

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

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

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

### Conditions

As this would technically be a new planning permission, the conditions imposed on the original permission would be re-imposed with amendments to reflect the fact that some conditions have been discharged and to update trigger points.

1. Three year rule
2. Approved plans
3. Provision of Amenity Space
4. Wheelchair Units
5. Air Quality Mitigation Measures
6. Car Parking Layout
7. TV Aerial/Satellite system
8. Water Consumption
9. Considerate Contractors
10. Construction and Demolition Management Plan
11. Air Quality Impact Assessment
12. Lighting
13. Play Provision
14. Landscaping
15. Electric Vehicle Parking
16. Cycle Parking
17. Materials
18. Refuse Storage
19. Tree Protection Measures
20. Delivery and Servicing Management Plan
21. Noise Insulation
22. SUDS
23. Crossover
24. Car Park Management Plan
25. Screens to Balconies
26. Security Gate
27. Sedum roof
28. PV Panels
29. Travel Plan
30. Plant Noise

## Informatives


1. CIL liability
2. Party Wall
3. Asbestos
4. Vehicle Crossover
5. Tree Protection
6. Highway works
7. Fire Safety
9. Living Wage
10. Noisy works

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, if by the "expiry date" of the planning application the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

3. 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**

	<b>Planning Committee Map</b> Site address: 79-83 ODDS, Kenton Road, Harrow, HA3 0AH © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

## PROPOSAL IN DETAIL

This application relates to a minor material amendment to full planning permission 17/3717 (and subsequent minor material amendment 19/4473) for the following alterations to the consented scheme:

1. Narrowing of vehicular access ramp (access will remain from Rushout Avenue)
2. Installation of one-way traffic control system

and erection of a part three part four storey building comprising 39 self-contained flats (27 x 1bed, 8 x 2bed and 4 x 3bed) with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping, subject to a Deed of Agreement dated 15 May 2018 under Section 106 of the Town and Country Planning Act 1990, as amended, and subsequent minor material amendment reference: 19/4473 and associated Deed of Variation dated 18th August 2020.

## EXISTING

The application site is located on the corner of Kenton Road and Rushout Avenue. It previously comprised 3 two storey dwellings (known as 79 to 83 Kenton Road). These have been demolished as part of the implementation of the consented planning permission.

The surrounding area is mixed, with commercial premises containing residential accommodation on the upper floors located to the east of the site. The majority of properties north, east and south of the site are predominantly residential in nature. As part of the emerging Local Plan, the site lies within an Intensification Corridor.

The opposite side of Kenton Road lies within the London Borough of Harrow.

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- Updated floorplans were received to reflect the basement and cycle storage arrangements approved under 19/4473 and changes to core reflected throughout all floor levels
- Updated tracking diagrams received to reflect basement changes are still feasible

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Representations Received:** 13 objections from individual properties together with objections from Cllr McLennan and Perrin. The objections have been considered when evaluating the proposal. It is considered that the proposal accords with policy and guidance and it is recommended that planning permission is granted.

**Principle of Development:** The demolition of the existing houses on the site and their replacement with a new building accommodating 39 flats has already been established by previous consents. This minor material amendment proposes to narrow the width of the vehicular access ramp into the basement car park, with the associated installation of a one-way traffic control system. These amendments are considered to be in material compliance with the principles established under the original consent.

**Highway impacts:** Transport officers have assessed the scheme and advised that the amendments are acceptable. They are not considered to result in a material impact upon the local highway network compared

to the consented scheme.

**Residential amenity:** The proposed changes would not result in any material impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking, compared to the consented scheme.

**Design and appearance:** The proposed changes to the proposal would not result in any material alteration on the design and appearance of the scheme, compared to the consented scheme.

## RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
17/3717	Demolition of existing dwellinghouse and erection of a part three part four storey building comprising 39 self-contained flats (27 X 1bed, 8 x 2bed and 4 x 3bed) with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping, subject to a Deed of Agreement dated 15 May 2018 under Section 106 of the Town and Country Planning Act 1990, as amended.	Granted	15/05/2018
19/2811	Details pursuant to condition 9 (Considerate Constructors Scheme), 10 (Construction Method Statement), 11 (Air Quality Neutral Assessment), 17 (exterior materials), 19 (Tree Protection Measures) and 28 (Basement Car Park Ramp and Access) of Full Planning Permission reference 17/3717	Granted	08/10/2018
19/4473	Variation of condition 2 (approved plans) to allow: <ul style="list-style-type: none"> <li>• Rear fire escape stairs</li> <li>• Basement enlargement</li> <li>• Relocation of the cycle storage</li> </ul> of Full Planning Permission reference 17/3717	Granted	18/08/2020
20/2164	Erection of a part three part four storey building comprising 40 self-contained flats with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping	Under consideration	

## CONSULTATIONS

### Public Consultation

141 Neighbouring properties were consulted on 10th March 2020

Site Notice Displayed on 12/03/2020

Application was advertised in the local press on 19/03/2020

13 objections were received from individual properties and Cllrs McLennan and Perrin. These are summarised as follows:



<b>Objection</b>	<b>Response</b>
Potential for cars to wait on Rushout Avenue when waiting to enter the basement car parking leading to congestion on Rushout Avenue.	Discussed in paragraph 14
Scheme reliant on sensors that could break	Discussed in paragraph 15
Increased noise pollution from vehicles idling next to neighbouring houses and noise from the access gates	Discussed in paragraph 14
Potential for light pollution from car headlights	Discussed in paragraph 14
Increased pollutants into air from vehicles idling	Discussed in paragraph 14
Vehicle access should not have been granted as part of original consent from Rushout Avenue	Objection is noted however the access onto the site has already been assessed fully and approved under the parent permission 19/4473. No changes to the principle of access onto Rushout Avenue is proposed and this remains acceptable.
Vehicles unable to enter or leave the site with cars parked on the opposite side of Rushout Avenue, including white vans	Discussed in paragraph 16
Impact from construction works in terms of broken pavements and damaged tarmac	Discussed in paragraph 17
Concerns over refuse collection	Discussed in paragraph 13
Objections to cycle storage adjacent to boundaries due to security impact	This element of the proposal has now been removed since the logging of this objection, details of which are secured as part of application reference 19/4473.

### Internal Consultees

Local Lead Flood Authority – No objections or recommended conditions

Environmental Health – No objections raised.

## **POLICY CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, the 2011 Site Specific Allocations Document and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies include:

### **Development Management Policy (2016)**

DMP1: General Policy

DMP11: Forming an Access onto a Road

DMP12: Parking

DMP13: Movement of Goods and Materials

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

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.

Relevant policies in the 'intend to publish' London Plan include:

SI1 – London's air quality

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Relevant policies in the draft Local Plan 2020 include:

DMP1 – Development Management General Policy  
BT2 – Parking and Car Free Development  
BT3 – Freight and Servicing, Provision and Protection of Freight Facilities  
BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)  
SPD1 Brent Design Guide 2018  
Basements SPD 2017

## **DETAILED CONSIDERATIONS**

### **Background**

1. Section 73 of the Town and Country Planning Act (1990) allows applicant to submit schemes which include alterations to the approved plans whereby such amendments are considered to be minor material amendments. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
2. Permission granted under section 73 should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.
3. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

### **Proposed changes to be considered under the section 73 application**

4. For this scheme the plans have been altered in the following ways:
  1. Narrowing of vehicular access ramp
  2. Installation of one-way traffic control system

5. For clarity, the extant permission is still in effect and the purpose of this application is to assess these proposed changes from this permission only.
6. The proposed changes are not considered to result in a development which is substantially different to the extant permission approved under application reference 17/3717. As such, the principle of development remains acceptable, and this report will focus on the changes proposed as part of this section 73 application.

#### **Highway and transport considerations**

7. The extant permission included a basement car park with access off Rushout Avenue to accommodate 30 car parking spaces. The width of the access ramp into the basement car park was approved as a minimum of 4.6m wide, which would be capable to accommodate two passing cars.
8. A subsequent section 73 application was approved under application to enlarge the basement car park, add an emergency escape stairwell from the basement car park at the rear of the site, and contain all of the cycle parking for the development within the enlarged basement car park. As part of this application no changes were made to the number of car parking spaces (i.e. this remained at 30) and the access ramped remained at a minimum of 4.6m wide.
9. The current proposal involves reducing the width of the vehicle access to 3m for a distance of 15m. The minimum width of access in order to accommodate two passing cars needs to be 4.1m, so this reduced width at 3m wide along part of the access ramp, would only allow one-way access at any one time. The basement is also reduced to be set in from the boundary with No. 2 Rushout Avenue next to the basement escape stairwell.
10. In order to manage the situation, traffic is proposed to be controlled by a red & green traffic light system. Information has been provided on the process of detecting vehicles with the access to the basement on the upper level being on a default red light unless a car approaches and no movement in the lower level has detected for a period of time. Whilst on the lower level the default is for a green light unless movement is detected on the upper level. A stop line would be placed a car length's away from the highway to prevent vehicles waiting on the highway in order to access the ramp.
11. The stop line for egressing is located some distance away from the traffic lights and would not be located at the most direct way of exiting the car park for all cars. The applicant has submitted a Tracking diagram however that indicates this would be accessible for a large car to enter and exit the basement. This is considered acceptable by Transport.
12. Officers in Transportation have advised that on the basis of the information provided in relation to the control of the traffic light system that the proposed changes to the access ramp are acceptable in highway safety terms.
13. An objector has raised concerns regarding the refuse collection. No changes are proposed to the refuse collection arrangements which were found to be acceptable and approved under the original permission. As such, this remains acceptable.
14. Objections have also been raised as to potential for cars to wait on Rushout avenue to enter the basement leading to congestion. Further concerns have been raised that this could lead to increased noise and air pollution as a result. Regarding the first point, a waiting space is being provided and it is considered that this would be sufficient given the likely level of demand for car parking, particularly as flows to and from the car park would be tidal with more vehicles exiting in the am peak than entering and more vehicles entering in the pm peak than existing. In terms of impacts of idling cars on air and noise pollution, this is not considered to be at a level above that which has been already approved or results from similar scale developments in the borough. Additionally, the potential for light pollution from car headlights is not considered to be materially greater than would result from a surface car park.
15. Concerns have been raised regarding the reliance on sensors which could fail or break. Technological solutions are common to mitigate impacts of development and although it is possible they could fail to

work properly subject to a satisfactory maintenance programme the impacts would be minimal and rare.

16. It is acknowledged that concerns are raised regarding difficulties accessing the site, particularly for white vans. Construction vehicles have been known to struggle accessing or egressing the site but cars would be smaller than this and whilst the vehicle access is approximately 4.6m so the impact would be better than vehicles accessing or egressing the numerous existing driveways that are currently on Rushout Avenue which are smaller than this.
17. Concerns over damage to the highways/pavement will be covered by separate legislation which allows the Highways Authority to ensure that any damage from construction vehicles is made good by the developer

### **Design and Appearance**

18. The proposed changes to the width of the ramp would not be visible from the streetscene and would have no impact on the design or appearance of the approved development and is acceptable in this regard.
19. The signal would be set back from the main road and would not result in any impact on the design of the approved scheme. Likewise, access gates were proposed across the entrance to the basement car park, and the resulting changes to these access gates as part of this submission, are not considered to materially change the appearance of the development.

### **Residential Amenity**

20. The proposed changes to the width of the vehicle access ramp and the associated traffic control system would have no greater impact on neighbouring amenity than the already approved scheme.
21. An objector has raised concerns that headlights from cars using the ramp may cause disturbance from neighbours. This is acknowledged. However, the ramp itself already benefits from planning permission.
22. Likewise, concerns have been raised in relation to increased noise and disturbance from vehicles having to stand at the entrance to the basement car park and increased pollutants from vehicles idling by the access. The approved planning permission considered the likely trip generation from the development which included 2 arrivals/7 departures in the am peak hour and 4 arrivals/1 departures in the pm peak hour. As this scheme does not increase the level of parking with the basement, it is not considered that the trip generation as envisaged within the extent permission will change, and as a result, it is not considered that neighbouring occupiers would be materially affected in terms of increased noise/disturbance or increase levels of pollutants as a result of the signalled access into the car park.
23. The proposed Basement plan reflects the alterations made to the location of Core 1 which have been reflected up through all floor levels. There would be no material impact on the layouts of the approved flats as a result of this.

### **Equalities**

24. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

### **Conclusion**

25. The proposed changes would facilitate vehicular access to the site and are considered not to result in any material harm to the highways network or neighbouring amenity than would exist as a result of the approved development. The proposal is therefore considered to be acceptable and in accordance with the development plan. It is recommended for approval subject to conditions as set out below and the

obligations being secured within the Section 106 Agreement.



**Brent**

**DECISION NOTICE – APPROVAL**

Application No: 20/0685

To: Mr Alexander  
Bell Cornwell LLP  
Bell Cornwell LLP  
Unit 2  
Meridian Office Park  
Osborn Way, Hook  
RG27 9HY

I refer to your application dated **27/02/2020** proposing the following:

Variation of condition 2 (approved plans) to allow:

1. Narrowing of vehicular access ramp
2. Installation of one-way traffic control system

of Full Planning Permission reference 17/3717 dated 15 May 2018 (and subsequent minor material amendment ref: 19/4473) for demolition of existing dwellinghouse and erection of a part three part four storey building comprising 39 self-contained flats (27 X 1bed, 8 x 2bed and 4 x 3bed) with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping, subject to a Deed of Agreement dated 15 May 2018 under Section 106 of the Town and Country Planning Act 1990, as amended (and subsequent Deed of Variation dated 18th August 2020).

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

at **79-83 ODDS, Kenton Road, Harrow, HA3 0AH**

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: 06/10/2020

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 the:-  
National Planning Policy Framework  
London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the 15/05/2018.

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):

A200 REV 03 Proposed Basement Plan  
A201 REV 03 Proposed Ground Floor  
A202 REV 03 Proposed 1st Floor Plan  
A203 REV 03 Proposed 2nd Floor  
A204 REV 03 Proposed 3rd Floor  
A222 Rev 03 Proposed Section CC  
KNR-DLTY-01-GR-DR-T-10100-P03 Signalised Ramp Egress  
KNR-DLTY-01-GR-DR-T-10101-P03

Supporting Documents:

Ground Floor Traffic Light Strategy  
Risk Assessment

**Approved plans and documents under application ref: 19/4473**

A221 Rev 02 Proposed Section BB  
A223 Rev 04 Proposed Section DD  
A355 Rev 01 South East Elevation  
A356 Rev 01 South West Elevation  
A404 Proposed Emergency Exit

**Approved plans and documents under planning permission reference 17/3717**

A001 Rev 00, A002 Rev 01, A100 Rev 00, A110 Rev 00, A111 Rev 00, A112 Rev 00,  
A202 Rev 01, A203 Rev 01, A205 Rev 01,  
A210 Rev 01, A211 Rev 01, A220 Rev 01

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

- 3 Prior to the occupation of the residential units hereby approved the communal and private external amenity spaces shown on the drawings hereby approved shall be provided in accordance with the approved details and made available. They shall be retained as such for the lifetime of the Development.

Reason: To ensure that the residential units are high quality and offer acceptable amenity standards for future residents.



- 4 Units 10, 21, 31 and 32 shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) with intermediate units provided as fully adapted units and the remainder of units shall meet easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users and to future proof homes.
- 5 The scheme shall be constructed in accordance with the mitigation measures described in the approved Air Quality Impact Assessment

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.
- 6 The car parking spaces and accesses shall be laid out and made available prior to the occupation of any part of the development hereby approved and shall thereafter be retained as such for the lifetime of the Development. The car parking spaces shall be maintained as ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that the impact of the development on the highways network is appropriate.
- 7 A communal television aerial and satellite dish system shall be provided, linking to all residential units unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.
- 8 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.
- 9 No development shall be carried out until the person or organisation 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.
- 10 The Construction Method Statement approved under reference 18/2811 shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.
- 11 The development shall be carried out in accordance with the measures in the Air Quality Neutral Assessment approved under reference 18/2811

Reason: To ensure that the development would not result in a detrimental impact on local air quality.
- 12 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to first occupation of the

development hereby approved. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: To protect the amenity of existing and future residents and in the interest of safety and ecology.

- 13 Within 9 months of commencement of development, a site wide children's play space plan shall be submitted and approved in writing by the Local Planning Authority. Such details shall include:

- (i) the location of the play area and/or equipment
- (ii) details of the equipment / measures to meet the minimum standards for play

The approved equipment / measures shall be installed prior to the occupation of the residential units and retained for the lifetime of the Development.

Reason: To ensure there is sufficient provision of areas and equipment for children's play.

- 14 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 9 months of commencement of development. Such a scheme shall include:-

- (a) all planting and trees including location, species, size, density and number incorporating native species;
- (b) details of the layouts of the publicly accessible spaces;
- (c) areas of all hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users;
- (d) the location of, details of materials and finishes of, all street furniture, drainage and external cycle stands;
- (e) proposed boundary treatments including walls, fencing, retaining walls, divisions between private amenity spaces, indicating materials and height;
- (f) details of defensible space in front of bedrooms serving unit 10 at ground floor level;
- (g) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (h) details of all tree planting pits (including surfacing);
- (i) details of the pedestrian access ramp along Rushout Avenue (to include details of materials of surface of ramp, gradient and details of hand rails)

The approved details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- 15 Within 3 months of commencement of development, full details of electric vehicle charging points (with 20% to facilitate charging and 20% capable of being upgraded in the future) shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be provided in accordance with these details prior to the occupation of any part of the development and retained for the lifetime of the Development.

Reason: To encourage sustainable forms of transportation.

- 16 Within 9 months of commencement of development, full details of the cycle spaces shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings, these details shall show a minimum of 51 spaces located within the basement. The spaces shall be provided in accordance with these details prior to the occupation of any part of the development and retained for the lifetime of the Development.

Reason: To encourage sustainable forms of transportation.

- 17 The external materials shall be carried out in full accordance with the details approved under application reference 18/2811, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is high quality, and in the interest of the privacy of future occupants.

- 18 The refuse areas shown on the drawings hereby approved shall be provided and made available prior to the occupation of the residential units. They shall be maintained as such thereafter.

Reason: To ensure that the residential units are high quality and that the development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 19 The tree protection measures shown on drawings 'Arbtech TPP 01' and 'Arbtech AIA 01' shall be enacted and remain in place for the duration of the construction period, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that those trees considered worthy of retention are protected from damage.

- 20 Prior to the occupation of the residential units hereby approved a Deliveries and Servicing Management Plan setting out delivery arrangements shall be submitted to and approved by the Local Planning Authority. The approved details shall be fully implemented upon first occupation of the non-residential units within the development, and maintained thereafter.

Reason: In the interests of providing sufficient servicing facilities on site, and ensuring that the relationship with the highways network and neighbouring properties is acceptable.

- 21 All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

<u>Time</u>	<u>Area</u>	<u>Maximum noise level</u>
Daytime Noise 07:00 – 23:00	Living rooms	35dB LAeq (16hr)
Night time noise 23-00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Prior to first occupation of the residential units hereby approved a test shall be carried out to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance.

- 22 The scheme shall be constructed in accordance with the Sustainable Drainage measures described in the approved Flood Risk Assessment, SuDs & Drainage Strategy Report prepared by Nimbus Engineering Consultants Ltd.

Reason: To reduce the flow of surface water into the drainage system.

- 23 The proposed crossover on Rushout Avenue and any redundant crossovers on Kenton Road and Rushout Avenue shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Local Highway Authority, with the works carried out and completed in accordance with these approved prior to first occupation of the development hereby approved.

Reason: In the interests of highway conditions within the vicinity of the site.

- 24 Prior to first occupation of the approved development, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include on how measures would be put in place to ensure that the number of car parking spaces within the basement does not exceed 30 spaces as shown in the approved car park layout.

The car park management plan shall thereafter be carried out in accordance with the approved details and retained throughout the lifetime of the development.

Reason: To ensure that over provision of parking does not occur on site

- 25 Prior to the occupation of the units hereby approved, and notwithstanding the approved drawings, details of a scheme to prevent overlooking from the balconies hereby approved shall be submitted to and approved by the Local Planning Authority.

Reason: To prevent undue overlooking between the units and hereby approved and of the adjoining properties, and to ensure a high quality residential environment.

- 26 Prior to the occupation of the units hereby approved, details of how the vehicle entrance gate to Rushout Avenue shall be controlled and how access will be managed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable security arrangements are in place for future residents.

- 27 Prior to the occupation of the residential units hereby approved details of the sedum roof shall be submitted to and approved by the Local Planning Authority. This shall include details of species mix, depth and maintenance regime. The approved details shall be fully implemented upon first occupation of the non-residential units within the development, and maintained thereafter.

Reason: In the interests of maximising the sustainability (and in particular the ecological) benefits of the development.

- 28 Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- 29 Within 3 months of first occupation of the development, a Residential Travel Plan shall be submitted to and approved in writing to the Local Planning Authority. This shall demonstrate the Travel Plan is of sufficient quality to score a PASS when assessed under Transport for London's ATTrBuTE programme (or any replacement thereof), to incorporate targets for minimising car

use, monitoring of those targets and associated measures to meet those targets. The approved Travel Plan shall be fully implemented for the lifetime of the Development, or as amended by the agreement of the Local Planning Authority in writing.

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

- 30 Prior to first occupation of the units hereby approved, an assessment of the noise level from any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

## 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 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 In relation to condition 30, the applicant is advised to contact the Council's Highways and Infrastructure Service on 020 8937 5121 to make arrangements for the crossover works to be carried out.
- 5 In relation to condition 21, the applicant is advised to contact the Council's Tree Officer, Lawrence Usherwood. The contact details are [lawrence.usherwood@brent.gov.uk](mailto:lawrence.usherwood@brent.gov.uk) or on 020 8937 5247.
- 6 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.

- 8 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.
  
- 9 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:
  - Monday to Fridays 08:00 to 18:00
  - Saturday 08:00 to 13:00
  - At no time on Sundays or Bank Holidays

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

14 October, 2020  
03  
18/4904

## SITE INFORMATION

RECEIVED	24 December, 2018
WARD	Willesden Green
PLANNING AREA	
LOCATION	96 High Road, London, NW10 2PP
PROPOSAL	Part demolition of existing buildings and retention of the original police station building comprising flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm (amended scheme)
PLAN NO'S	refer to approved plans condition
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_143280">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143280</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "18/4904" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Secure affordable housing contribution and viability review mechanism
4. That the development is "parking permit restricted" - future occupants will not be eligible for on-street parking permits.
5. S278 Agreement to undertake highway works
6. Training and Employment - Prior to a material start (excluding demolition and piling) to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works and, prior to a Material Start to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and in relation to the operational phase of the Development
7. Considerate Constructors Scheme

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

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. Standard 3 year permission
2. Approved plan numbers / documents
3. Number/Mix of Units
4. Supply Materials
5. Plant noise
6. Water efficiency
7. Trees
8. Restriction of HMOs
9. SUDS Implementation
10. Surface water capacity
11. Sewerage capacity
12. Landscaping
13. Non-use of roofspace
14. Details of obscure glazing/screening
15. Construction Management Plan
16. Restriction of uses on Police building's use
17. Non road machinery
18. Air quality
19. Lighting
20. Bikes storage
21. Ecological Enhancements
22. Historic Recording
23. Satellite dishes
24. SUDS/Flood risk
25. Site Investigation
26. Remediation
- 1.


Informatives

- 1. Asbestos
- 2. Party Wall
- 3. Building near boundary
- 4. CIL liable approval
- 5. London living wage
- 6. Quality of imported soil
- 7. Fire Safety
- 8. Damage to highways
- 9. Thames Water
- 10. Thames Water pressure
- 11. Highways licence

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.

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

**SITE MAP**

	<b>Planning Committee Map</b>
Site address: 96 High Road, London, NW10 2PP	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

## PROPOSAL IN DETAIL

Part demolition of existing buildings and retention of the original police station building comprising 148 sq.m GIA of flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units (4 x studio, 9 x 1-bed, 9 x 2-bed and 6 x 3-bed) within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm.

### *Summary of changes since original submission*

- Reduction in size of development adjacent 6 Huddlestone Road has been made, to form a better transition between Willesden High Road and Huddlestone road.
- A reduction in the number of units to 28 from 30
- Balconies have been added to the two studio units at first and second floor levels fronting Huddlestone Road while others have increased in size.

## EXISTING

The site consists of the former Willesden Police Station and ancillary buildings, which are of late Victorian heritage, the site also includes 2, two-storey dwellings of 1960/70s character and appearance.

This corner plot site fronts two roads, the primary frontage of the High Road which is of varied commercial character although at this part of the High Road there are prominent religious buildings. Huddlestone Road is predominantly a residential road characterised by two-storey dwellings.

The site is within Willesden Town Centre and Willesden Green Conservation Area. The site has recently been used for various businesses and artists' studios, as informal meanwhile uses. It forms site allocation BSESA23 in the Brent Preferred Options Local Plan.

The broader area has an air quality management area designation.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

●**Representations received** - A paper based pro-forma petition of 53 signatories objecting to the scheme and 134 individual submissions objecting to the scheme has been received. 8 comments have been received in favour. Objections and a petition have been received and considered. It is considered that the proposal accords with planning policy, having regard to material consideration, and it is recommended that planning permission is granted.

●**Heritage** - The site is located in Willesden Green Conservation Area. The historic police building is to be retained, although not formally listed or locally listed is considered to have some heritage merit and considered a non-designated heritage asset. A cluster of listed buildings sits to the southwest of the site St Andrews Church Grade II\* building, the associated Vicarage Grade II and the Church School Grade II (now Islamic College).

●**Principle of use** - The property was disposed of as surplus to requirements by the Metropolitan Police Service and the funds from the station's disposal were used as part of a wider public service transformation plan. No objection raised in principle for the proposed mix of uses.

●**Affordable homes / unit mix** – The proposals have been independently assessed by viability experts and it has been concluded the site can only provide an off-site contribution of £143,453 in lieu of on-site affordable

housing provision. Given the low surplus and lack of appropriate unit to put forward for affordable housing, an off-site contribution is considered acceptable in this case. A post-implementation review mechanism in line with DMP15 will be incorporated into the legal agreement. The unit mix includes 6 family sized units representing 21.4% family housing provision which is slightly short of the 25% borough wide target set out in Core Strategy Policy CP21.

- Design** – The proposed design is considered to be of high quality appropriate to the local context.
- Quality of accommodation** – The proposed accommodation would be of good quality size and layout, consistent with London Plan standards, with good access to light, outlook, whilst there is shortfall in amenity space, the town centre location and good quality accommodation offer some mitigation against the identified shortfall.
- Neighbour amenity** – The proposals generally comply with guidance of SPD1.
- Highways** – No significant harm is considered to occur to the highway network, subject to conditions.
- Trees, landscaping and public realm** – The large tree to the front of the site is to be retained and landscape improvements delivered.
- Environment and sustainability** – Consideration has been given to ecology and the sustainable development of the proposals.

**RELEVANT SITE HISTORY**

No relevant planning history for the applications site.

A meanwhile use has occurred for various businesses since the Police vacated the site, without formal consent.

Adjacent the site to the east at Willesden Green Baptist Church a development (18/1798) has been approved for:

Demolition of existing single storey adjoining structure to rear of church and erection of a part two and part three storey rear extension including basement, internal alterations to create new mezzanine and upper floors to facilitate the creation of 8 self-contained flats (2 x 1-bed, 4 x 2-bed and 2 x 3-bed) including 7no. side and rear dormer windows; new front entrance and residents lobby area, retention of the Huddlestone Street facade; alterations to front boundary wall, new access gates to allow vehicle and pedestrian access from Huddlestone Road; with associated residential cycle storage and refuse facilities to serve both the residential and church buildings. **Granted 20/07/2018**

**CONSULTATIONS**

Site notices were placed outside the site, neighbour notification letters were sent to nearby addresses and a press notice was placed in the local paper.

A re-consultation took place on 12<sup>th</sup> September 2019 to advise of amendments to the scheme **In total 134 objections were received and 8 supporting comments were received**

In addition local ward Councillors Miller and Donnelly-Jackson have objected to the scheme

**Summary of Objection Comments:**

Comment	Response
Infilling of site will cause overshadowing	The development generally accords with guidance in SPD1 and is considered acceptable,

	refer to neighbour amenity section.
Excessive height and massing, poor relationship with two-storey Victorian dwellings Huddlestone Road	Refer to character and appearance section and heritage section.
Loss residential amenity, outlook, light, privacy	Refer to neighbouring amenity section.
Negative impact upon police building as a heritage asset and conservation area	Refer to heritage section.
Too many studio and one bed unit which will encourage investor buy to let market not, owner occupiers. More family housing needed.	Refer to unit mix section, planning cannot control who purchases properties.
Will increase traffic and parking problems	Refer to highways section.
Lack of affordable housing	Refer to affordable housing section.
Not in keeping with area	Refer to character and appearance section and heritage section.
Excessive noise and nuisance	Refer to noise section.
Right to light	Is a civil matter not a planning matter. The impact on the sunlight and daylight neighbouring properties receive has been assessed within the report.
Not clear what materials will be used, should match police station	This will be secured by condition.
Pressure on infrastructure and community cohesion	There is no evidence to suggest that the local area could not accommodate the additional residents from the proposed 28 units. The proposals would contribute the local economy and offer a building for either retail. employment or community uses as well as contributing to the Community Infrastructure Levy which is used to support local infrastructure needs.
Insufficient information	Officers have reviewed the level of details which meets the statutory requirements for a valid submission and it is considered to be sufficient to assess the proposed development.

### Summary of support comments

Comment
Site needs re-development, proposals a big improvement over existing, will improve community in the long term
Landscaping much needed green intervention in area
Reduce litter, fly tipping and anti-social behaviour
Improved natural surveillance

Proposed massing and design is appropriate
Bin and bike storage well situated
Impact on neighbouring properties will be minimal
Will help local economy

**External Consultees:**

NHS – No comment.

West London Waste Authority – No comment.

**Internal consultees**

Lead Local Flood Authority – Support, improved flood risk.

Highway Authority – No objection, subject to conditions.

Heritage – No objection.

Tree Officer – No objections are raised, subject to conditions.

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

Key relevant policies include:

**The London Plan**

- 2.18 Green infrastructure
- 3.1 Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 5.2 Minimising Climate Change
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 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
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings

- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air
- 7.15 Reducing and Managing Noise
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands

### **Brent Core Strategy (2010)**

- CP1: Spatial Development Strategy
- CP2: Population and Housing Growth
- CP5: Placemaking
- CP6: Design & Density in Place Shaping
- CP16: Town Centres and Sequential Approach to Development
- CP18: Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21: A Balanced Housing Stock
- CP23: Protection of existing and provision of new Community and Cultural facilities

### **Brent Development Management Policies (2016)**

- DMP1: Development Management General Policy
- DMP2: Supporting Strong Centres
- DMP3: Non Retail Uses
- DMP7: Heritage Assets
- DMP9A: Managing Flood Risk
- DMP9B: On Site Water Management and Surface Water Attenuation
- DMP11: Forming an Access on to a Road
- DMP12: Parking
- DMP13: Movement of Goods and Materials
- DMP15: Affordable Housing
- DMP18: Dwelling Size and Residential Outbuildings
- DMP19: Residential Amenity Space

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 an "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted. As such considerable weight should be given to these policies.

### **Draft London Plan**

- GG1 Building Strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering new homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing Housing Supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H10 Housing size mix
- S1 Developing London's Social Infrastructure
- S3 Education and childcare facilities
- S4 Play and informal recreation



- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- HC1 Heritage conservation and growth
- HC5 Supporting London's culture and creative industries
- G1 Green infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

In addition, the council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to some policies contained within the draft Brent Local Plan.

Key draft Local Plan policies include:

#### **Brent Draft Local Plan (2019)**

- DMP1 Development management general policy
- BP6 South east
- BD1 Leading the way in good urban design
- BH1 Increasing housing supply in Brent
- BH5 Affordable housing
- BH6 Housing size mix
- BH13 Residential amenity space
- BSI1 Social infrastructure and community facilities
- BE1 Economic growth and employment opportunities for all
- BHC1 Brent's Heritage Assets
- BGI1 Green and blue infrastructure in Brent
- BGI2 Trees and woodlands
- BSUI2 Air quality
- BSUI3 Managing flood risk
- BSUI4 On-site water management and surface water attenuation
- BT1 Sustainable travel choice
- BT2 Parking and car free development
- BT3 Freight and servicing, provision and protection of freight facilities

#### **Site Specific Allocations (2011)**

#### **West London Waste Plan (2015)**

#### **Other Relevant Material Considerations include:**

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide

#### **Supplementary Planning Documents/Guidance (SPD/SPG)**

- Brent SPD1: Design Guide for New Development (2018)
- Brent s106 Planning Obligations SPD (2013)

## DETAILED CONSIDERATIONS

### Principle

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise'.
2. The application site is comprised of a former Police Station with a service and training yard and ancillary buildings, in addition there is a pair of 1960s semi-detached two-storey dwellings, historically used for accommodating police staff. The overall use of the site is considered to be a social infrastructure use, a Sui Generis use.
3. London Plan policy 3.16 states:  
*The London Plan stipulates that redundant social infrastructure premises should be assessed for use as other forms of social infrastructure before alternative developments are considered. As set out by London Plan policy, alternative social infrastructure uses should be defined through a Social Infrastructure Needs Assessment set by the Borough. Brent does not currently have this provision laid out in adopted policy documents specific to the needs of the Willesden area. Therefore, undertaking a Social Infrastructure Needs Assessment is not possible.*
4. Policy CP23 seeks to protect existing community facilities or mitigate their loss where necessary, the funds from sale of the police station are to be used for a wider programme of public service transformation. Given the context of London Plan policy 3.16 there is no requirement to re-deliver social infrastructure on site and it is considered acceptable to consider other appropriate uses of the site.
5. This position complies with draft London Plan Policy S1 which states that "*redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this part of a wider public service transformation plan.*" The loss of the police station is acceptable as it would have contributed to a wider public service transformation plan.
6. The delivery of housing helps meet other objectives of the adopted development plan such as Policies CP2 and CP21 to deliver additional and balanced housing stock.
7. The emerging Brent Local Plan also identifies the site as one suitable for mixed development (BESA23) and is allocated for mixed-use employment and residential. The adopted development plan currently carries more weight and therefore it cannot yet be reasonably insisted that more affordable workspace or employment use of the site is delivered. Nonetheless the Police Station building is proposed to have a range of possible uses ranging from A1 (retail) B1a (offices) B1 b (research and development) B1c (light industrial appropriate in a residential area) and D1 (non-residential institutions, e.g. crèche, health centres, clinics etc.). These uses would be complementary to the town centre location and surrounding residential context.

### Character and Appearance

8. Policy 7.1 ("Lifetime Neighbourhoods") of the London Plan advises that the design of new buildings and the spaces created by them should "*help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood*" while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Additional design guidance can be found in DMP1 ("Development Management General Policy") and within the Council's SPD1 ("Design Guide for New Development").

9. Policy DMP1 states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design and complements the local area.
10. The overall site is in a poor state of repair to the rear and the 1960s residential development on site does not contribute positively to the conservation area. The main police building itself retains much of its character externally and makes a positive contribution the character and appearance of the area and the heritage asset of the Willesden Green Conservation Area.
11. The proposed L-shape building seeks to turn the corner of the High Road and Huddlestone Road and is prominent location within the Willesden Green Conservation Area, which gives some scope for a building of more scale and prominence. The L-shape respects the frontages to which it relates and settlement pattern, respecting the current set back on the High Road which enables appreciation of the prominent tree in the frontage and the aesthetic value of the Police Station and also the building line established by the uniform pattern of residential development on Huddlestone Road.
12. The reduction in height and scale at the end of the building to match the height of 6 Huddlestone Road and use of pitched roof forms a successful transition in height to Huddlestone Road from the High Road and is considered an appropriate design response to local context.
13. The proposals draw on its local context with reference to the ecclesiastical heritage in the locality with high quality durable materials of brickwork enriched with detailing and slightly angulated gables with steep pitches which add visual interest. There is varied depth and form and good void to mass ration with appropriate fenestration and use of balconies to reduce the perceived bulk of the building.
14. Although there is an overall increase in scale and mass over existing, this does not appear out of context in the wider Willesden Green area, which has several taller structures including adjacent ecclesiastical buildings. There is sufficient space and setback and landscaping around the building to avoid an unduly cramped appearance.
15. Overall the proposals are considered to represent visually attractive, good quality architecture which will help to improve the function and overall quality of the area, with sympathetic and innovative design with effective landscaping and appropriate mix of uses and improved accessibility consistent with the objectives of the development plan.

## Heritage

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

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

## The Local Plan

20. Policy 7.8 of the London Plan (“Heritage Assets and Archaeology”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. The supporting text to Policy CP17 (“Protecting and Enhancing the Suburban Character of Brent”) of the Core Strategy confirms that the Borough’s historical assets need to be protected and conserved. Policies DMP1 (“Development Management General Policy”) and DMP7 (“Brent’s Heritage Assets”) confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.

21. There are several heritage assets against which the proposed development should be considered. These include:

- St Andrew’s Church (grade II\* listed -to the south west) (designated heritage asset)
  - St Andrew’s Vicarage (grade II listed – to the south west) (designated heritage asset)
  - Islamic college (grade II listed – to the south west) (designated heritage asset)
  - Willesden Green Conservation Area (designated heritage asset)
  - Willesden Police Station (not locally listed but considered to have some historic merit and can be considered to be non-designated heritage asset)
- What must be determined is whether the proposed development will harm the significance of the aforementioned designated and non-designated heritage assets, having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72).

### Assessment of Significance of Heritage Assets

#### *St Andrew Church - Grade II\* listing -*

22. 1885, by James Brooks. Cruciform plan, brick, stone dressings. Four bay nave with triforium, clerestory and small aisles, transepts and lower 3 bay chancel. Small bell turret with flèche at crossing. An elaborate and spacious design with good contemporary fittings and glass.

#### *St Andrews Vicarage – Grade II listing*

23. 1889 by James Brooks. Three storeys, 4 irregular bays wide; red brick ground floor, tile-hung above. First floor oriel window to left hand bay. A picturesque example of Brook’s late work with central entrance porch; 3 main gables to front elevation.

#### *St Andrews Vicarage – Grade II listing*

24. 1889 by James Brooks. Three storeys, 4 irregular bays wide; red brick ground floor, tile-hung above. First floor oriel window to left hand bay. A picturesque example of Brook’s late work with central entrance porch; 3 main gables to front elevation.

#### *Islamic College - Grade II listing*

25. Circa 1890 by James Brooks. Long range of church school buildings of picturesque appearance. Two buildings, total of 20 bays to street; mostly single storey, end 2 bays raised to 2 storeys. Raised entrance arch and gable emphasized in roof by tall bell-cote. Red brick facing throughout; timber mullioned and transomed windows of Gothic style.

#### *Willesden Green Conservation Area*

26. The Willesden Green Conservation Area was originally designated in January 1993 and takes the form of a Victorian commercial centre with buildings of note by several well-known architects: James Brooks, Newman and Newman and Gabriel contributed St Andrew’s Church, the library and the bank premises respectively. Sexton’s Spotted Dog (1881) and Clark’s faience-tiled Met. Station of 1924 are worthy of

note.

27. It is considered that given the siting of the scheme in the streetscape and its complementary character and appearance the identified designated heritage assets will not be harmed from the proposed development and that their significance, character and setting will continue to be preserved.

*The application site Willesden Police station (non-designated heritage asset).*

28. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset requires a balanced judgement having regard to the scale of any harm or loss of the significance of the asset.
29. The main police building is considered to have some historic merit the original development originating from the late Victorian era, the building has some latter additions, a non-original ground floor addition to the side is to be removed. The buildings are not locally listed, nonetheless they are considered to be non-designated heritage assets, and have some heritage and architectural value as does the historic use of the site. The significance of the non-designated heritage asset is limited and the siting of the new development, which retains the original police station as a key feature of the site.
30. The Police Station, rear yard and ancillary buildings was developed in the latter part of the Victorian era. The main police building retains a visually pleasing aesthetic however the rear yard area, associated dwellings and outbuildings are of limited heritage or architectural interest and their loss is not considered to be significant, especially when replaced with a scheme of good quality design. The retention of the police building retains the historical connection of the site for future generations to appreciate.
31. The new development would improve the appearance when viewed from the frontage facing the High Road, with the removal of the two houses and replacement with an appropriately proportioned building that has a better quality design. The other elements of the new building would tie in well with the High Road frontage and set down well to the neighbouring When considering the impact of the proposed development overall, there would be very limited harm to the non-designated heritage asset due to the design quality of the proposal and removal of the low quality buildings.
32. On balance, the proposals overall are considered to preserve the historic character of the Conservation Area. The proposed replacement building would be of an appropriate high quality design and would ensure that there is not any harm to the designated heritage assets surrounding the site When taken with the public benefits of the scheme into account the development is considered acceptable when balanced with the overall benefits of the scheme.
33. A historical records condition is proposed to record anything of heritage value and interest in the buildings prior to commencement of works.

### **Affordable Housing**

34. Brent's adopted local policy (CP2 and DMP15) sets out the affordable housing requirements for major applications and stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing. The policies allow for the reduction in the level of Affordable Housing (below the 50% target) on economic viability grounds. This is discussed in more detail later in this report.
35. The emerging London Plan (Intend to Publish Version) has been subject to examination and the associated affordable housing policies (H4, H5 and H6) are now given greater weight. These policies establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:  
35% Affordable Housing; or  
50% Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.

\*other criteria are also applicable.

\*\*industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.

36. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:
37. A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
- A minimum of 30% intermediate homes;
  - 40% to be determined by the borough based on identified need.
- When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of Affordable Rent : Intermediate) and Brent's emerging policies (70:30 ratio of London Affordable Rent : Intermediate) provide clarity on the tenure of the third category (40 % to be determined by the borough). This means that this element of Affordable housing mix should be provided as Affordable Rented homes.
38. Policy allows for a reduction to affordable housing obligations on economic viability grounds where it can be robustly demonstrated that the target level of affordable housing would undermine the deliverability of the scheme. The policies require schemes to deliver the maximum reasonable amount of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the targets) and schemes that aren't eligible for the threshold approach must be accompanied by a Financial Viability Assessment. It is important to note that these policies do not require all schemes to deliver 35 % or 50 % Affordable Housing.
39. Brent's emerging Local Plan has yet to be examined by the Planning Inspectorate and as such adopted policy DMP15 and emerging London Plan policies H4, H5 and H6 would carry considerably more weight than the Brent emerging Affordable Housing policy at this point in time.
40. A viability appraisal was submitted and has been independently assessed by industry experts appointed by the council, who consider the scheme capable of delivering a surplus of £143,453, which would not be enough to deliver a unit on site. It was agreed a contribution in lieu of on-site affordable housing consistent with the objectives of DMP15 given the small scale contribution that is viable for this project.
41. A review mechanism will be applied to the legal agreement to capture any potential uplift in profitability as the development transpires, which enable further contributions to be secured if the development proved to be more profitable to achieve policy targets for affordable housing contribution.

#### **Unit Mix/Family sized dwellings**

42. Policy CP2 of the Core Strategy sets a target for 25% of the new homes within the borough to be family sized (three bedrooms or more). The proposal achieves 21.4% (6 out of 28 units) family sized units.
43. A high proportion of three bedroom plus homes in flatted development can have a detrimental effect on scheme viability and that there is therefore a balance to be struck between the affordable housing offer and a good number of family sized homes. It is possible the off-site payment in lieu will be used in the development of affordable housing schemes with improved 3 bed offering, given this unit type is where the Council's greatest priority is for affordable housing.
44. On balance the proposals have sought to optimise the mix between the number of units and commercial floorspace possible, affordable housing offer and family sized units and considered to meet the objectives of the plan with regard to provision of family housing given the constraints.

#### **Quality of Residential Accommodation**

45. Policies DMP1 and DMP18 state that it is important that development provide high levels of internal amenity and create a high quality environment, and should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings' and the Technical Housing Standards.
46. Of the 28 proposed units, 8 meet with the minimum space standard and the remaining 20 exceed their relevant standard by between 1sqm and 9sqm. All units are therefore considered to satisfy London Plan policy 3.5, DMP18 and the Technical Housing Standards. In addition, they are all considered to have an efficient layout and generally good aspect, and access to outlook and light.
47. Policy DMP19 provides guidance for private outdoor residential amenity space, which should be provided at 20sqm per flat and 50sqm per family unit (including ground floor flats). The policy allows for a shortfall in the provision of private outdoor space to be mitigated through the provision of communal outdoor space. It should also be noted that the minimum private outside space contained within the draft London

Plan is 5sqm for 1-2 person dwellings and an extra 1sqm for each additional occupant.

48. All but three flats (all located within the roofspace) will have access to some form of private amenity space, and only two flats will have total private amenity space in excess of 20sqm (Units 00\_05 & 06 on the ground floor). In total, eight flats, all located on the upper floors, will not satisfy the relevant London Plan standard. Small triangular balconies (2.75sqm-2.9sqm) are proposed for the three first floor flats fronting High Road. These will not offer much in the way of useable space but it should be noted that two of these flats (Units 01\_06 & 01\_07), are also served by balconies at the rear which, although accessed via bedrooms, are independently accessible by each room and are of a good size and regular shape. The remaining flat, Unit 01\_05, is only served by a balcony of 2.9sqm. In relation to these three balconies, the applicant has designed them to be relatively shallow and triangular with the intention that their design ties in with the existing development to the west. Whilst officers have suggested a minor amendment to increase the area of these balconies, it is acknowledged that the increase in balcony space (c.1.7sqm) would be marginal. Within the roofspace, as noted above, three flats are without any private amenity space and whilst there are concerns with a family sized unit not having any private amenity space, it is not possible to provide any for these flats because the integrity of the overall design of the building, within a conservation area, adjacent to an undesignated heritage asset and within the vicinity of listed buildings as described above, would be adversely affected.
49. The supporting text of policy DMP19 states: "*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*". The collective shortfall in private amenity space is 301sqm, and the scheme includes a total of 208sqm of communal space, resulting in an overall shortfall of 93sqm.
50. While the shortfall is regrettable, officers are of the opinion that in this instance, members should weigh this against the following:
51. Additional balconies, particularly in the roofspace, would have a significantly adverse effect on the design of the building and the designated and undesignated heritage assets
- The majority of units exceed their minimum space standard
  - In the 8 instances where there are either no balconies or they fall below the relevant London Plan standard, 5 of the units have internal space standards which exceed the London Plan standard, helping to offset the shortfall in private amenity space
- On balance this aspect of the proposal is considered to deliver high quality of accommodation with flats having good access to outlook, light and general living conditions in addition to adequate outdoor recreation opportunities for future residents.

### **Neighbouring Amenity**

52. DMP1 seeks to ensure new development, amongst other things, provides high levels of internal and external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1.

### Privacy

53. The design guide for new developments SPD1 outlines the minimum distance between habitable facing windows is 18m and distance from windows to private amenity space should be 9m. These distances are generally exceeded, with 11m from the rear facing wall of the development (facing north) to the boundary wall of no.6 Huddleston Road. The west facing rear elevation does not afford direct views into other habitable room windows or amenity areas, and some rearward views are generally expected in an inner suburban context.
54. Huddleston Road objections cited potential harm from the balcony area adjacent their property, a condition will be applied for details of adequate glazed screening on the flank of the balcony shared with no.6 Huddleston Road to prevent overt overlooking of the property.
55. The distance between the Huddleston Road facing elevation of the development and properties the other side of the road is approximately 17m distance to across from the other side, however this faces over public land and intervening highway, and respects the established distances between properties in the streetscene, therefore is not considered to be significantly harmful to residential amenity.

56. On balance the development would retain adequate privacy for future occupiers and neighbouring uses.

#### Daylight/Sunlight/Outlook

57. The applicant has submitted a daylight sunlight analysis based the Building Research Establishment (BRE) guidance Site layout planning for daylight and sunlight: a guide to good practice, which advises on planning developments for good access to daylight and sunlight, and is widely used by local authorities during planning permission to help determine the impacts of new developments.

58. The design guide for new developments SPD1 outlines the 25, 30 and 45 degree principles on pg.27 where there are failures of these principles a daylight/sunlight study can establish if any significant harm would arise to residential amenity. The proposals would not encroach significantly upon any of these principles when allowing for existing tall boundary treatments and structures on site.

59. A detailed assessment has been undertaken by EB7 Ltd for daylight and sunlight demonstrates future residents and users of the amenity space areas would retain acceptable levels of access to daylight/sunlight overall when considering the following guidance:

60. The London Plan Housing SPG gives guidance stating at paragraphs 1.3.45 and 1.3.46:

*61. 1.3.45 .... An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*

- *1.3.46 The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.*

#### *Assessment of Vertical Sky Component (VSC)*

- Vertical sky component (VSC) is a 'spot' measure of the skylight reaching the mid-point of a window from an overcast sky. It represents the amount of visible sky that can be seen from that reference point, from over and around an obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky, and, therefore, represents the amount of daylight available for that particular window. As it is a 'spot' measurement taken on the outside face of the window.

62. For existing buildings, the Building Research Establishment (BRE) guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is more than 27% (or if not, then it is more than 80% of its former value), then the diffuse daylighting of the existing building will not be adversely affected.

63. Whilst the development would result in the loss of vertical sky component (VSC) surrounding properties all retain a VSC of 20 degrees or more which is considered good for inner suburban location and broader urban context. The BRE stated guidance for 27 degrees is based on low density suburban context and is an optimal target, to go below this would not necessarily create unacceptable harm to living conditions. Given the guidance of the Mayors Housing SPG some degree of flexibility must be exercised to optimise housing potential given the town centre context.

#### *Annual Probable Sunlight Hours (APSH)*

64. Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees



of south need be assessed.

65. BRE guidance recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period. As the proposed development would retain 25% of APSH (including at least 5%) to surrounding properties 0.8 times former value assessment does not bite and the development is considered in accordance with BRE guidance. Whilst it is noted some properties will experience some loss over the existing situation such as properties on the east side of Huddlestone Road (nos 3-9) in the winter time (up to half former values).
66. The range of loss to neighbouring primary habitable room windows is not so significant it will outweigh the benefits of the proposals and adjoining residents are considered to retain acceptable living conditions on balance.
67. The siting and layout of the proposals is such that outlook is not considered to be significantly harmed to neighbouring or future occupiers.
68. Windows in the side of 100 High Road overlook the proposed site and would be affected at close quarter from the proposed development affecting outlook and light, however they appear to be secondary windows and adequate light and outlook is retained to this property overall.
69. It should be noted that during the course of the application no.6 Huddlestone removed a pergola type structure to the rear of the property at ground floor level (although this is indicated on plans as being present, officers assessment has been made on the basis this structure is no longer present), given the presence of tall boundary treatment and existing outbuildings adjacent the boundary, and the rear build line of the proposed development not protruding to a significant degree beyond the rear build of 6 Huddlestone Road, no significant harm is considered to occur to the light or outlook of the property over the existing situation and acceptable living conditions would be retained.
70. Consideration has been given to the planning approval across Huddlestone Road which seeks to locate additional development to the rear of the Baptist church, at this time the development does not appear to have been implemented. Nonetheless with slightly less weight attached than if the development was in situ the proposals are on balance not considered to unduly harm the living conditions and there will be reasonable expectation of the form of development to future occupiers occurring should this application be approved.

#### Noise

71. Policy DMP1 states that new development will be acceptable providing it does not unacceptably increase exposure to noise and general disturbances. The predominantly residential use of the site fits with the town centre and surrounding residential context and are unlikely to generate significant noise impacts to neighbouring occupiers.
72. A Noise assessment (NIA/8209/18/8072/V2/Willesden dated 14/12/18) was submitted with the application. The Council's Environmental Health department have reviewed and agree with this report and the requirement for noise mitigation measures to ensure that internal noise levels are achieved. Therefore a condition should be attached requiring the mitigation measures as stated within table 5.1 to be installed.
73. Given the scope of uses potential available at the former police station and their proximity to the residential uses a condition limiting the hours of use is proposed. In relation to plant noise it is recommend that the plant rated noise level is 10dB below the measured background noise level when measured at the nearest residential property, this shall also be secured by condition .

#### Lighting

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

#### **Highways Considerations**

75. Willesden High Rd (WHR) – London distributor road & bus route
76. Huddlestone Rd (HR) – 20mph traffic-calmed local residential access road
- Controlled Parking Zone “G” – 8am-6.30pm Mondays to Saturdays
  - On-street parking & loading prohibited at all times at junction & Keep Clear zig-zags at site access
  - Zebra crossing with build-out on High Road.
  - Six pay and display bays along both frontages, plus two Car Club bays
  - Huddlestone Road not heavily parked at night
- Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (Policy 6.12) and parking (Policy 6.13). Policies DMP11 and 12 provide the criteria upon which developments will be assessed with regard to layout and access / servicing / parking standards. Paragraph 109 of the NPPF states, “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
  - The site is located within PTAL 4 where generally car free development can be considered acceptable consistent with policy DMP12. Policy DMP12 requires that where additional on-street parking might be generated, this needs to be safely accommodated. The location of the site within a CPZ means that overspill parking by staff is very unlikely.
77. As the site has good access to public transport services, the lower residential car parking standard set out at Appendix 1 of the adopted DMP 2016 applies, whilst the location of the site to the south of the Dudding Hill railway line means the lower employment standards also apply.
78. The former police station would have been allowed just one space, whilst the two houses would have been allowed 1.2 spaces each, giving a total parking allowance of three spaces. The provision of a 10-space car park to the rear thus exceeded standards, although some operational parking for the police station may have been required.
79. The 28 proposed flats would be allowed up to 24 car parking spaces. Parking allowances for the commercial units depend upon their use, but at most only two spaces would be allowed if both units are used for non-food retail purposes. As no off-street parking is proposed anyway, maximum standards would not be exceeded.
80. Policy DMP12 also requires that any overspill parking from new development can be safely accommodated on-street. In this case, the site fronts a main distributor road along which it is important to keep traffic (esp. buses) moving. Although there are pay and display bays in place along the street and along Huddlestone Road, there is not sufficient spare capacity to cater for the likely demand from these 28 flats.
81. The applicant therefore suggests that the development is made ‘parking permit restricted’ and this is supported, being in line with Policy DMP12 (Blue Badge holders would be exempt from the agreement). A condition or legal agreement should be secured to this effect.
82. Two Car Club vehicles are already based directly outside the site to help support a car-free development and it is recommended that the applicant offers subsidised membership of the Car Club for two years for new residents to introduce them to the concept. A further condition or Legal Agreement to this effect is recommended.
83. The London Plan requires at least 45 secure long-term bicycle parking spaces for the flats. A secure ground floor store with capacity for 52 bicycles is proposed in accordance with standards.
84. Bicycle parking requirements for the commercial units again depend on the precise use, but in the worst case, four short-term and one long-term space would be required for retail uses. Three bicycle stands (six spaces) are proposed to the rear of the building to meet this requirement.
85. In terms of servicing, the commercial unit would generally require servicing by transit-sized or 8m Luton vans, depending on its precise use. No off-street servicing space is proposed within the site, so the applicant proposes that a 10m long loading bay is provided on Huddlestone Road close to the junction with Willesden High Road instead, in place of two existing pay and display parking bays.

86. However, once the crossover to the car park from Huddlestone Road and the associated zig-zag markings are removed as part of this development, two replacement pay and display bays can be marked in their place. By doing so, there would be no net loss of on-street parking space in the street, so the provision of the marked loading bay would have no negative impact on on-street parking in the area. The bay would also be available for use by other nearby retail premises.
87. The cost of the works to remove the existing crossover on Huddlestone Road and reinstate it to footway and to alter the parking bays in the street will need to be met by the developer and this has been acknowledged by the applicant.
88. An internal bin store is proposed fronting Huddlestone Road, allowing easy collection of bins from the proposed loading bay. The store is shown with space for six Eurobins and three wheeled bins, in accordance with Brent's standards. The only concern is that the refuse carrying distance for residents of the eight flats at the western end of the building would exceed the 30m maximum distance set out in Part H of the Building Regulations. Whilst this does exceed the recommended distancing, the bin store is sited in the most appropriate place in order to ensure that refuse collection does not take place on High Road.
89. Fire hose access distances are met from the adjoining highways.
90. A Transport Statement has been submitted to consider the likely transport impact of the proposal. Based on surveys of two other small blocks of flats in outer London, the residential element of this development is estimated to generate 4 arrivals/16 departures in the morning peak hour (8-9am) and 14 arrivals/9 departures in the evening peak hour (5-6pm) by all modes of transport.
91. As the development is car-free, none of these trips are likely to be by car. About 80% of trips are estimated to be by public transport, but with numerous bus and tube service passing close to the site each hour, the impact on any particular bus or train is likely to be minimal.
92. The Transport Statement has also provided estimates of the number of delivery vehicle movements per day, although it is unclear how the figures for the commercial use were derived. Nevertheless, the development is estimated to generate 5-6 delivery vehicle movements per day, which could be accommodated in the proposed loading bay.
93. Subject to conditions or a legal agreement to secure: (i) designation of the development as 'car-free' thereby removing the right of future residents to on-street parking; (ii) funding of a minimum of two years' free membership of a Car Club operating in the vicinity of the development for all initial residents of the proposed flats; and (iii) funding of the cost of the works to remove the existing crossover to the site and reinstate it to footway with full height kerbs and amendments to the waiting and loading restrictions along the Huddlestone Road frontage to provide a 10m loading bay and relocated parking bays in place of the existing zig-zag marking to be provided prior to commencement of the development, there would be no objections on transportation grounds to this proposal.
94. Overall the development would be safe with suitable access and any impacts on the highway would be limited.

#### Wheelchair accessibility

95. London Plan Policy 3.8 requires 90% of new housing to meet Building Regulation requirement M4 (2) "accessible and adaptable dwellings". It also requires 10% of new housing to meet the Building Regulation requirement M4(3) "wheelchair user dwellings".
96. Four of the dwellings are proposed to meet Disability discrimination Act (DDA) guidance to comply with building regulation M4 (3), which complies with the required 10%. As an approved plans condition is proposed there is no requirement to condition this further.
97. Generally accessibility through the site is improved given level differences present and wheelchair accessibility for uses on site will be required to be built in accordance with building control regulations.

#### Air quality

98. Environmental Health have assessed the submitted HRS Services Ltd Air Quality assessment. It is noted that the annual mean for NO<sub>2</sub> exceeds the national objective in 2023 on several floors. Potential mitigation measures, such as filtered ventilation systems, can be considered by condition. It should also

be noted that with regard to an Air Quality neutral assessment, the development is expected to meet transport and buildings emissions benchmarks, therefore mitigation measures will not be required.

99. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.
100. Brent is part of the 'London low emission construction partnership', therefore the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM. This can be secured by condition.

### **Land Contamination**

101. The site to be redeveloped has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken especially as the proposed use includes residential. The applicant has submitted a Hydrock Desk Study and Ground Investigation dated March 2018. This site investigation has identified that soils have high levels of Lead and benzo-a-pyrene and that further gas monitoring should be undertaken. Appropriate remediation can be secured by condition.

### **Trees / Landscaping**

102. London Plan Policy 5.10 ('Urban Greening') and DMP Policy DMP1 seeks to retain high amenity trees and landscape features and provide appropriate additions or enhancements. Trees are a key component of green infrastructure and help to create resilient and more sustainable development. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support will be given to the improvement of the built environment.
103. None of the trees within the site are covered by a tree preservation order (TPO) however, the Sycamore tree on the High Road frontage, is considered to have amenity value and will be retained, with the plans also showing the retention of the Weeping Birch tree on the south-east corner of the site. Approximately 11 trees will be removed but these are all ornamental trees of not high quality. Fifteen ornamental trees, in addition to the feature tree within the courtyard at the rear, will replace those removed.
104. A tree protection plan and arboricultural method statement, will be conditioned to protect the Sycamore and Birch trees during the construction process and ensure the development does not affect their long term health or viability.
105. The landscaping arrangements offer a more flexible and diverse arrangement of amenity areas and is considered to take opportunity to improve the existing arrangements. Details of a landscaping scheme will be secured by condition.

### **Biodiversity / Ecology**

106. Policy 7.19 ('Biodiversity and access to nature') of the London Plan requires development proposals to contribute to mitigating the effects of climate change by considering integrating green infrastructure and to make a positive contribution, where possible, to the protection, enhancement, creation, and management of biodiversity. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support will be given to the improvement of the built environment for biodiversity and nature conservation.
107. Local authority has a duty to consider potential impacts upon biodiversity, wildlife and protected species as part of policy and decision making as set out in sec 40 of the National Environment and Rural Communities Act 2006 (as mended) (NERC) and The Wildlife and & Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended). It is an objective of the NPPF (paragraphs 8 and 175) to help improve biodiversity.
108. The applicant has submitted an ecology report to identify the potential risks to protected species. The Council's officers have reviewed the report and agree with the conclusions the risk to protected species is low. No immediate risk is identified to wildlife or protected species from the proposals.

109. The ecology report recommends that suitable protective measures be undertaken around retained trees during construction activity, landscaping to be provided using native species, the installation of bat and bird boxes in suitable locations and in accordance with good practice. In particular, boxes suitable for House Sparrows should be provided as these have been recorded within the study area. The report also recommends that consideration should be given to a lighting strategy designed to limit spillage onto any bird and bat boxes installed. These recommendations have been included in relevant proposed conditions.

### **Flood Risk**

110. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively. Policy DMP9A ('Managing Flood Risk') confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMP9B ('On Site Water Management and Surface Water Attenuation') requires minor schemes to make provision of an appropriate SuDS scheme where feasible.

111. The Council's drainage engineer has reviewed the application and supports the improvements proposed. It is noted the developments peak flow rate of surface water will be reduced from 26 l/s for a 1 in 1 year storm event to 5 l/s, and from 82.4 l/s for a 1 in 100 year storm event, also to 5 l/s which is excellent. The site is also within a flood zone 1 and presents no pluvial flood risk either therefore, the drainage and flood risk implementation for this development is acceptable.

### **Sustainable Design and Construction**

112. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy CP19, demonstrating at the design stage how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per day. Policy DMP9B of Brent's Local Plan also requires sustainable drainage measures to be adequately implemented.

113. Major residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy 5.2. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

114. In terms of non-domestic floorspace, the policy target is a 35% on-site reduction, and this must be separately evidenced within a submitted Energy Assessment. However, significant weight is also placed on the Intend to Publish London Plan policy SI2, which applies the zero carbon standard (with 35% reduction on on-site emissions) to both residential and commercial elements of the scheme.

115. The energy assessment submitted sets how the London Plan energy hierarchy has been applied, with carbon emissions savings identified from very high standard of insulation, heat pump driven heating/hot water systems, with electricity generation via roof mounted Photovoltaic Cells.

116. The assessment demonstrates that the scheme would deliver an 89% reduction in carbon emissions below the Building Regulations Requirements. A carbon offsetting contribution of £2,376.00 would be required through a S106 payment to account for the shortfall below the zero carbon target, in line with London Plan guidance.

117. The submitted assessment also addresses overheating and details that in line with current GLA Guidance, the project has had been designed to ensure the building is not vulnerable to overheating. The design of the proposal has followed the guidance within the London Plan, which consider the control of overheating using the Cooling Hierarchy. Measures such as the buildings' fabric, layout and passive ventilation would help prevent the properties from overheating and ensure there is not a need for mechanical ventilation.

### **Equalities Assessment**

118. 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).

## S106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Affordable Housing contribution and review mechanism
- Employment and training opportunities during construction and operation phases
- Car-Parking Permit Free development to remove the rights of residents to apply for parking permits in the surrounding roads in the vicinity of the site
- Car Club subsidy arrangement
- Energy/sustainability - Achieve a zero carbon' standard. The remaining regulated carbon dioxide emissions, to 100 per cent, would be off-set through a cash in lieu contribution
- Undertaking of on and off site highway works through an agreement under S38/S278 of the Highways Act 1980

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

## CIL DETAILS

This application is liable to pay **£902,485.08** \* 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): 0 sq. m.

Total amount of floorspace on completion (G): 2614 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Businesses and offices	148	0	148	£40.00	£0.00	£8,827.14	£0.00
(Brent) Dwelling houses	2466	0	2466	£200.00	£0.00	£735,396.43	£0.00
(Mayoral) General business use	148	0	148	£0.00	£60.00	£0.00	£8,960.48
(Mayoral) Dwelling houses	2466	0	2466	£0.00	£60.00	£0.00	£149,301.03

BCIS figure for year in which the charging schedule took effect (Ic)	224	331
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£744,223.57</b>	<b>£158,261.51</b>

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

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

**development.**

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



Application No: 18/4904

To: Mr Cifaldi  
Savills  
33 Margaret Street  
London  
W1G 0JD

I refer to your application dated **24/12/2018** proposing the following:

Part demolition of existing buildings and retention of the original police station building comprising flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm (amended scheme)

and accompanied by plans or documents listed here:  
refer to approved plans condition

at **96 High Road, London, NW10 2PP**

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: 06/10/2020

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 On balance the proposals are considered to meet the objectives of the development plan

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

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

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

AL(00)001 Rev.A	Site Location Plan
AL(00)010 Rev.A	Block Plan
AL(00)100 Rev.A	Existing Site Plan
AL(00)200 Rev.A	Existing Site Elevations 01
AL(00)201 Rev.A	Existing Site Elevations 02
AL(00)202 Rev.B	Existing Police Station
AL(00)203 Rev.A	Existing Police Station
AL(00)204 Rev.D	Proposed Police Station
AL(01)100 Rev.F	Proposed Ground Floor Plan
AL(01)101 Rev.J	Proposed First Floor Plan
AL(01)102 Rev.G	Proposed Second Floor Plan
AL(01)103 Rev.H	Proposed Third Floor
AL(01)104 Rev.F	Proposed Roof Plan
AL(02)220 Rev.B	Proposed Sections A and B
AL(03)320 Rev.D	Proposed North Elevation
AL(03)340 Rev.E	Proposed East Elevation
AL(03)360 Rev.D	Proposed South Elevation
AL(03)380 Rev.E	Proposed West Elevation
535	Massing Comparisons

Air Quality Assessment (19/12/2018)  
 Arboricultural Impact Assessment  
 Daylight & Sunlight Statement  
 Design and Access Statement  
 Energy and Sustainability Statement  
 Ecology Assessment  
 Flood Risk Assessment & SUDS Report (no.C2084-R1-REV-A)  
 Heritage Statement  
 Noise Assessment  
 Planning Statement  
 Transport Assessment

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

3 The development shall provide 28 residential units (Class C3), as shown on the consented plans, in the following mix: 4 x studio, 9 x 1-bed, 9 x 2-bed and 6 x 3-bed.

Reason: To ensure an appropriate mix of units having regard to the identified housing needs of the Borough.

4 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. 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.

- 5 Prior to the installation of any mechanical plant together with any associated ancillary equipment ('the plant') further details of the plant shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: (i) manufacturer's specifications and literature of the plant; (ii) an assessment of the expected noise levels of the plant carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'; and (iii) any mitigation measures necessary for the plant to achieve noise levels of not louder than 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

The plant shall be installed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To protect acceptable local noise levels, in accordance with DMP1 of the Development Management Policies

- 6 Prior to first occupation of the Residential Development ('the Development') confirmation from the Building Control body to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and conserve water supplies and resources in order to secure London's needs in a sustainable manner.

- 7 Notwithstanding the Arboricultural Impact Assessment submitted with the application, prior to the commencement of development further details of a suitable methodology and tree protection plan including monitoring and supervision during works within the Sycamore and Weeping Birch trees' notional RPA during demolition and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and adhered to throughout all demolition and construction works.

Reason: To minimise the impacts of the development on existing trees.

- 8 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

- 9 No properties shall be occupied until confirmation has been provided that either:
  - all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or
  - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - To ensure sustainable development with appropriate infrastructure and protect against sewage flooding and pollution

- 10 The development shall not be occupied until confirmation has been provided in writing to the

local planning authority that either:

- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - To ensure sustainable development with appropriate infrastructure and protect against sewage flooding

- 11 The flood risk attenuation measures set out in the Suds and Drainage Strategy Report MBP-7086-December 2018 v3 shall be implemented prior to occupation of the development hereby approved and thereafter maintained in effective use unless otherwise agreed in writing with the Local Planning Authority.

Reason: in the interests of sustainable development and to alleviate flood risk.

- 12 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works above damp proof course level on the site (excluding any necessary demolition works). Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

(b) proposed walls and fences indicating materials and heights;

(c) screen planting along boundaries;

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

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

(f) provision for the satisfactory screening of balcony areas to the south, west and east elevations

(g) areas of hard landscape works and proposed materials;

(h) details of the proposed arrangements for the maintenance of the landscape works.

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

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area and protect neighbouring amenity.

- 13 Prior to development above damp proof course level (excluding any necessary demolition works) details of glass screening to be used on balcony area(s) adjacent 6 Huddleston Road shall be submitted to and approved in writing with the Local Planning Authority. The agreed details shall thereafter be permanently maintained unless otherwise agreed in writing.

Reason: To protect neighbour amenity.

- 14 No development shall take place until a Construction Environmental Management Plan (CEMP)

has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted start and completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to commence development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any Considerate Constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works.

The construction shall be carried out in accordance with the approved CEMP.

Reason: To ensure the protection of living conditions, highway safety and managing waste throughout development works due to the risk of harm arising from these works in respect of air quality and highway safety.

- 15 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), or The Town and Country Planning (Use Classes) Order 1987 Uses Class order, the retained police building shall only be used within the use classes A1, B1(a), B1(b), B1(c) or D1. of The Town and Country Planning (Use classes) order 1987 (as amended). The use shall only be operational during the hours of 6.30am to 10.30pm Monday to Saturday and 8am to 8pm on Sundays and Bank Holidays. No deliveries shall occur outside of these hours. for office use or other B type employment use unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect neighbouring amenity and to enable the Local Planning Authority to regulate and control the development of land and retain employment/retail use of the site in accordance with objectives of the development plan for appropriate mix of uses on the site.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies 5.3 and 7.14.

- 17 All roof areas on approved plans unless indicated as a balcony, terrace, private terrace or communal terrace shall not be accessible except for maintenance, repair or emergency means of escape unless otherwise agreed in writing with the local planning authority.

Reason: To protect neighbour amenity

- 18 The approved cycle storage facilities and bin storage facilities shall be installed and made

available for use prior to first occupation of the development hereby approved and thereafter retained, kept free from obstruction and maintained for the life of the development and not used other than for purposes.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety and to ensure the appropriate provision of refuse facilities.

- 19 The proposed development shall be carried out in accordance with the mitigation measures, implementation and management plan outlined in approved document FLOOD RISK ASSESSMENT & SUDS REPORT FOR 96 HIGH ROAD, BRENT, NW10 2PP. document no: C2084-R1-REV-A prepared by NIImbus Engineering consultants. The mitigation measures and implementation shall be operational prior to the first occupation of the development hereby approved and thereafter permanently maintained and operational

Reason: To ensure adequate drainage of the site and to prevent flooding.

- 20 Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance. 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.

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

- 21 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

- 22 A. Prior to the commencement of above ground works to the superstructure, details of the number, design and location of bat bricks/tiles and bird bricks/tubes/boxes (inclusive of house sparrow boxes) shall be submitted to the Local Planning Authority for approval in writing.
- B. The design and location of the bricks/tiles/tubes/boxes shall only be undertaken under the supervision of a suitably qualified ecologist prior to first occupation, with photographic evidence of their installation being provided to the Local Planning Authority.

Reason: To enhance biodiversity and mitigate potential impact upon wildlife in accordance with Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended) and to ensure due regard is paid to likely impact on the habitat of protected species in accordance with national Legislation and London Plan.

- 23 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area and to minimise the the impact on wildlife.

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

- 24 Prior to the first occupation of the development an Air Quality Assessment must be undertaken in accordance with guidance published by IAQM and TG16 and submitted to the Local Planning Authority for approval. The assessment shall include mitigation proposals for any identified adverse impacts. All approved mitigation measures shall be implemented in full prior to the first occupation of the development, and properly maintained for the lifetime of the development.

Reason: To protect local air quality, future occupier health and sustainable development.

- 25 No development shall take place before a comprehensive record of the buildings (internally and externally) has been undertaken in accordance to Historic England Level 3 and submitted to and approved in writing by the Local Planning Authority. The recording is to be carried out by a professional archaeological/building recording consultant or organisation in accordance with the approved details.

REASON: To ensure a record of the building is made for future generations of the historic fabric both internal and external and the architectural significance of the heritage asset is recorded prior to demolition and alteration.

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

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

## INFORMATIVES

- 1 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 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 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).

- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The 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.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 9 Thames Water advise the applicant that if they are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).
- 10 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 11 The applicant should contact the Head of Highways & Infrastructure to secure a licence should any part of the development oversail the footway under S177 of the Highways Act 1980.

Any person wishing to inspect the above papers should contact Damian Manhertz, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5164



## Agenda Item 03

### Supplementary Information Planning Committee on 14 October, 2020

Case No. 18/4904

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Location	96 High Road, London, NW10 2PP
Description	Part demolition of existing buildings and retention of the original police station building comprising flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm (amended scheme)

#### Agenda Page Number: 75

Following the publication of the report, an objection has been received by Willesden Green Ward Cllr Donnelly Jackson raising the following points:

- Concerns regarding the height of the development – it should not match the height of the church opposite
- The spire of the church is an architectural feature, not a dwelling
- Impact on light and privacy on occupiers of 6 Huddlestone Road, especially from proposed balconies and terraces
- Impact on Huddlestone Rd in terms of parking, noise, provision of facilities such as rubbish collection
- Insufficient family housing and lack of affordable housing
- The proposal does not add to the character of the area and is more likely to detract from it
- Additional traffic from this and the development opposite.

The proposed height of the building (13.8m) will be lower than the ridge of the church (15m) and the spire (22m). Officers do not consider that the proposed building and would not dominate the views of the church. The overall design is considered acceptable, as detailed within the Report.

The potential impacts on privacy and light are discussed in detail within the main report.

The proposed development would be parking permit restricted. The site is in a town centre location with a good level of public transport access (PTAL 4) and where car free developments are encouraged. Refuse would be collected from Huddlestone Road to minimise the potential for disruption of traffic on High Road.

The proportion of family sized homes and the level of affordable housing are also discussed as detail within the main report..

#### **Recommendation:**

Remains approval subject to the conditions set out in the Committee report and the completion of a satisfactory Section 106 agreement.

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

14 October, 2020  
06  
20/1464

## SITE INFORMATION

<b>RECEIVED</b>	<b>18 May, 2020</b>
<b>WARD</b>	<b>Brondesbury Park</b>
<b>PLANNING AREA</b>	
<b>LOCATION</b>	<b>13 The Avenue, London, NW6 7NR</b>
<b>PROPOSAL</b>	<p>Variation of condition 2, development built in accordance with approved plans to allow:</p> <p>(1) Amendments to the front façade to enable its alignment with the consented balconies;  (2) Minor alterations to the internal layout of the building as a result of the proposed façade amendments;  (3) Other minor associated changes;</p> <p>of Full Planning Permission reference 19/3056 dated 20 March, 2020, for Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.</p>
<b>PLAN NO'S</b>	See condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p><b>Please click on the link below to view ALL document associated to case</b>  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_149994">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_149994</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "20/1464" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

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

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

### Conditions


1. Time Limit
2. Approved Plan
3. Samples of materials
4. Implementation of bin and cycle storage
5. Revocation of C3 to C4 permitted development rights
6. Landscaping scheme
7. Adherence to tree report
8. Tree supervision schedule
9. Construction management statement
10. Sustainable urban drainage systems
11. Grampian condition to ensure highway/footpath works
12. Removal of permitted development rights for the houses

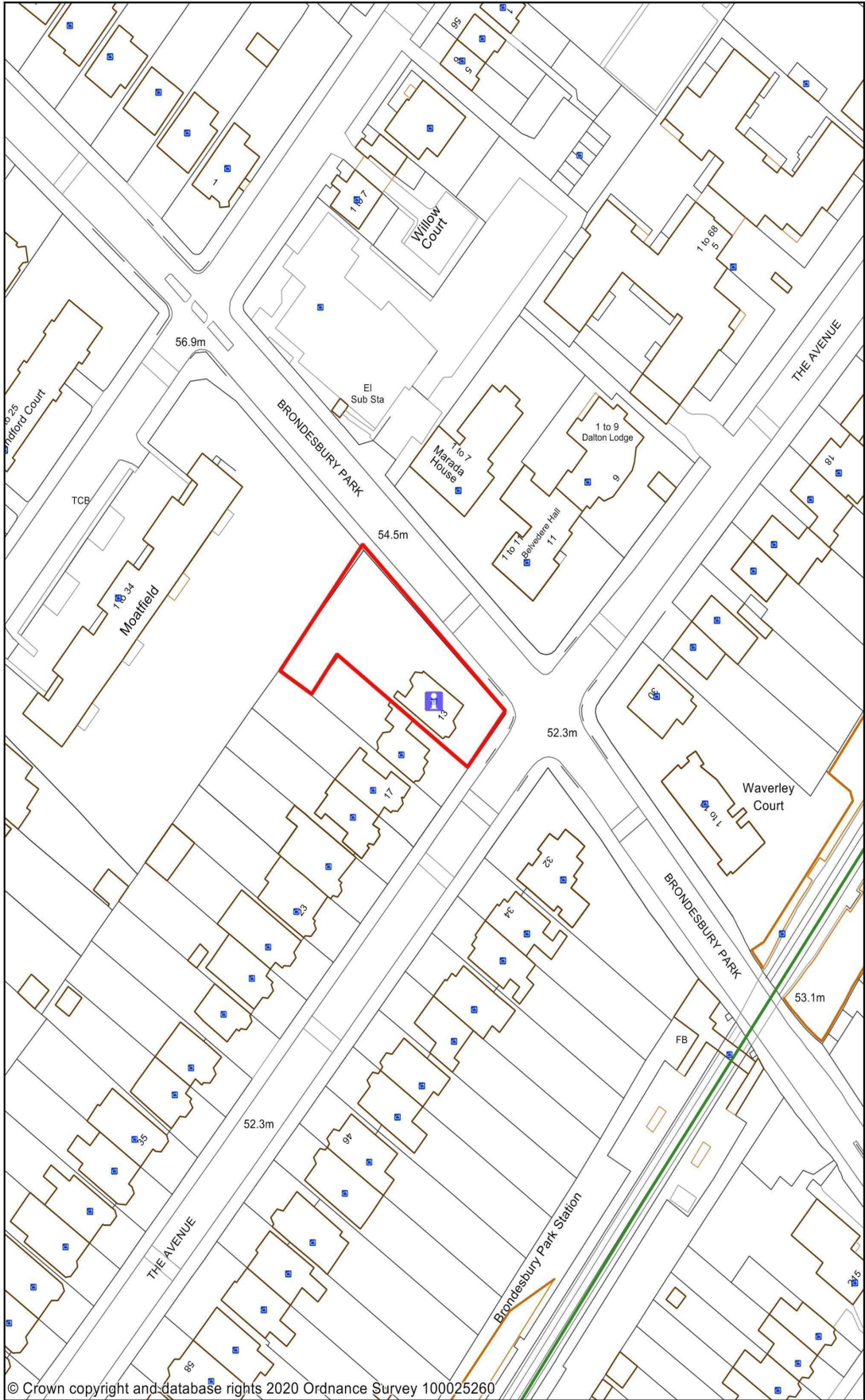
### Informatives

1. CIL Liable
2. Party Wall
3. Building Near Boundary
4. London Living Wage
5. Fire Safety
6. Thames Water Notification
7. Thames Water: Water Pressure
8. Tree inspection
9. Highways works

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

## SITE MAP

	<b>Planning Committee Map</b>
<b>Brent</b>	Site address: 13 The Avenue, London, NW6 7NR
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



1:1250

0 20 40 metres  
 Page 113



This map is indicative only.



## PROPOSAL IN DETAIL

Variation of condition 2, development built in accordance with approved plans to allow:

- (1) Amendments to the front façade to enable its alignment with the consented balconies;
- (2) Minor alterations to the internal layout of the building as a result of the proposed façade amendments;
- (3) Other minor associated changes;

of Full Planning Permission reference 19/3056 dated 20 March, 2020, for Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.

## EXISTING

The subject site is located on a corner plot at the junction of Brondesbury Road and the Avenue. It is currently occupied by a single detached dwelling and occupies an L shaped plot with the land wrapping around the rear of number 15 the Avenue. Land rises to front to the rear of the site. The surrounding area is predominantly residential, comprising large detached and semi detached dwellings on the Avenue and flatted blocks fronting Brondesbury Road. The site is not located within a conservation area and is not a listed building.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Representations received:** 10 objections have been received. Officers have assessed the comments and the planning merits of the proposal and consider that the proposal is acceptable.
2. **Provision of new homes:** Great weight is given to the delivery of 9 new units, of which three would be family sized, which would make a contribution towards borough housing targets and would help to meet the specific needs of the borough.
3. **Design, layout and height:** The proposal makes effective use of the existing site. It utilises good architecture with detailing and materials in order to maximise the sites potential whilst regulating its height to respect surrounding development in the areas context.
4. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of a good quality. The residential units would have good outlook and light. The amount of external private/communal space is acceptable and has been maximised through the use of different means.
5. **Neighbouring amenity:** The development would have an acceptable impact on neighbouring properties and whilst would not fully comply with the guidance in SPD 1, when all neighbouring properties are considered, the resulting impact would be acceptable in this instance.
6. **Highways and transportation:** The proposed amendments to the proposals do not affect the number of flats or the numbers of bedrooms within the flats, whilst the car and cycle parking, refuse storage and access arrangements also remain as originally approved.
7. **Trees, landscaping and public realm:** One Category B tree is indicated to be affected by the proposal. . Appropriate mitigation measures to protect this tree during construction have been identified. A scheme of landscaping has been submitted and full and final details will be requested by condition.

## RELEVANT SITE HISTORY

19/3056 - Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space - Granted

## CONSULTATIONS

149 neighbouring properties were notified of the application. 10 objections were received at the time of writing this report

<b>Objection</b>	<b>Response</b>
Additional overdevelopment	Discussed in character and appearance section
Overbearing impact on street scene	As above
Loss of landscaping and amenity	As above
Developers are reversing a slight reduction that was previously agreed	As above
The objections of dozens of neighbours seem to have been ignored by planners	Statutory requirements for consultation were followed. The previous application was presented to committee due to the level of objection where councillors resolved to grant the application
Bringing the development closer to the front building line would create a 'tunnelling' and sense of enclosure along the residential street	Discussed in character and appearance section

A number of comments were also received in relation to the piling method proposed. However, this is in relation to a separate application on the site ref. 20/1486.

Comments were also received in relation to the lack of consultation on application ref. 20/1486. However, as this is a discharge of conditions application, no neighbour consultation is required.

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

### **The London Plan consolidated with alterations since 2011 (March 2016)**

- 3.1 Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities



- 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
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving Air
- 7.15 Reducing and Managing Noise
- 7.21 Trees and Woodlands

### **Brent Core Strategy (2010)**

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

### **Brent Development Management Policies (2016)**

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

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 an "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted. As such considerable weight should be given to these policies.

## **Draft London Plan**

- GG1 Building Strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering New Homes Londoners need
- GG5 Growing a Good Economy
- GG6 Increasing Efficiency and Resilience
- D1 London's Form and Characteristics
- D2 Delivering Good Design
- D3 Inclusive Design
- D4 Housing Quality and Standards
- D5 Accessible Housing
- D6 Optimising Housing Density
- D11 Fire Safety
- D13 Noise
- G1 Green Infrastructure
- G7 Trees and Woodlands
- H1 Increasing Housing Supply
- H12 Housing size mix
- SI1 Improving Air Quality
- SI5 Water Infrastructure
- SI7 Reducing Waste and Supporting the Circular Economy
- SI12 Flood Risk Management
- SI13 Sustainable Drainage
- T4 Assessing and Mitigating Transport Impacts
- T5 Cycling
- T6 Car Parking
- T7 Deliveries, servicing and construction

In addition, the council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to some policies contained within the draft Brent Local Plan. Key draft Local Plan policies include:

## **Brent Draft Local Plan**

BD1: Leading the Way in Good Urban Design  
BH1: Increasing Housing Supply in Brent  
BH6: Housing Size Mix  
BG12: Trees and Woodlands  
BSUI2: Air Quality  
BSUI4: On Site Water Management and Surface Water Attenuation  
BT1: Sustainable Travel Choice  
BT2: Parking and Car Free Development

**The following are also material planning considerations**

**National Planning Policy Framework (2019) (as amended)**

**Supplementary Planning Documents/Guidance (SPD/SPG)**

Brent SPD1: Design Guide for New Development (2018)  
Mayor's Housing SPG  
Mayor's Sustainable Design and Construction SPG  
National Planning Policy Guidance  
National Design Guide  
Brent Waste Planning Guide

## **DETAILED CONSIDERATIONS**

### **1. Background and principle**

1.1 Planning application 19/3056 which related to the demolition of the existing dwelling and erection of a part three, part four storey building comprising 9 residential units, was approved by committee on the 20th March 2020. This application seeks to vary condition 2 (approved plans) of planning application 19/3056 in order to bring the consented front elevation forwards and to reconfigure and enlarge some of the proposed units.

1.2 As the permission granted under 19/3056 is extant, the principle of a part three, part four storey development to provide 9 residential units (of which three would be family sized) continues to be acceptable. This report will therefore focus on the impact of the proposed amendments.

1.3 Subject to detailed criteria considered below, the principle of the development is acceptable.

### **2. Character and appearance**

2.1 There would be no change in the overall design approach or scale of the development, and therefore when considering the impact of the amendment on the character and appearance of the locality, the assessment will focus solely on the enlarged footprint and the movement of the front building line forwards.

2.2 The committee report in respect of 19/3056 stated the following in relation to the positioning of the building

*'During the course of the application, concern was raised with regards to the proximity of the development to the public footpath on Brondesbury Park. It was noted that the adjacent properties on Brondesbury Park achieve a generous set back from the footpath, which contributes towards maintaining a sense of openness. In order to ensure the development has an acceptable impact on the character and appearance of the*

locality, an increased set back from the footpath with a minimum of 3.5m and maximum of 4.2m was proposed. Whilst it is acknowledged that this would not be as generous as the adjacent properties which achieve no less than a 6m set back, it is considered that the proposed development would still retain the sense of openness that characterises this part of Brondesbury Park. Sufficient soft landscaping to the frontage would also contribute towards achieving this. In terms of the relationship with the Avenue, the building would follow the established front building line and as such would retain a generous frontage which are features of this street.'

2.3 It is acknowledged that the amendment would reduce the minimum distance between the front elevation and the front boundary that was secured as part of the consented scheme. The minimum distance to the front would be 2.8m, rather than the 3.5m previously proposed, with the maximum distance being retained at 4.2m. However, whilst there would be a reduction, this would not be experienced across the entire front elevation, and would really only be in relation to the front elevation of houses 1 and 2. Even when considered in relation to these two properties, due to the angled front boundary and the staggered front building line, the distance between the front elevation and the front boundary would be greater than the minimum distance for much of the width of these houses. Therefore when taken as a whole, the proposed amendment would do very little to alter how the development is viewed in the context of Brondesbury Park or the Avenue. Whilst the amendment would result in slightly shallower front gardens to houses 1 and 2, these would still be of a sufficient depth to ensure the provision of adequate soft landscaping to provide softening to the Brondesbury Park frontage.

2.4 The other change to the front elevation would see the previously approved balconies to the first floor of houses 1 and 2 replaced with juliet balconies with a detailed metal balustrade in line with that previously approved.

2.5 The proposed amendment would therefore have an acceptable impact on the character and appearance of the locality.

### 3. Quality of accommodation

#### Internal

3.1 As before the development would result in the creation of 9 residential dwellings of which three would be family sized. DMP 18 requires that all new dwellings meet Technical Space Standards. All of the units would meet or exceed the internal space requirements. There would be a slightly increase in floorspace when considered in relation to the consented scheme, however, the type of units would remain unchanged. A comparison table is given below

Unit	Type	Minimum internal floor space	Previously proposed internal floor space	Proposed internal floor space
House 1	4b7p (3 storeys)	121sq.m	132sq.m	143sqm
House 2	4b5p (3 storeys)	99sq.m	104sq.m	129sqm
House 3	4b7p (3 storeys)	121sq.m	132sq.m	137sqm
Flat A1	2b4p (1 storey)	70sq.m	70.sq.m	70sqm
Flat A2	2b3p (1 storey)	61sq.m	70sq.m	70sqm
Flat B2	2b4p (1 storey)	70sq.m	86sq.m	86sqm
Flat B1	2b4p (1 storey)	70sq.m	86sq.m	86sqm
Flat A3	2b3p (1 storey)	61sq.m	92sqm	92sqm
Flat B3	2b3p (1 storey)	61sqm	99sqm	99sqm

3.2 As before all habitable rooms would continue to receive good levels of light, outlook and ventilation. The quality of the units internally would continue to be of a very high standard.

#### External

3.3 The proposed development provides a number of gardens spaces, roof terraces and balconies in order to ensure adequate external amenity space. DMP 19 states that family size units (3+ bedrooms, including ground floor flats) should have access to 50sq.m of external amenity space and 1 or 2 bedroom units should have access to 20sqm of external amenity space. Furthermore, the Mayors Housing SPD requires that a minimum of 5sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. There are no changes proposed to the

external amenity provision that was considered acceptable under application ref. 19/3056

Unit	Type	Standard required by DMP 19	Mayor Housing SPD minimum standard	Proposed amenity space
House 1	4b7p (3 storeys)	50sq.m	10sq.m	60sq.m
House 2	4b5p (3 storeys)	50sq.m	8sq.m	65sq.m
House 3	4b7p (3 storeys)	50sq.m	10sq.m	76sq.m
Flat A1	2b4p (1 storey)	20sq.m	7sq.m	111sq.m
Flat A2	2b3p (1 storey)	20sq.m	6sq.m	5sq.m
Flat B2	2b4p (1 storey)	20sq.m	7sq.m	21sq.m
Flat B1	2b4p (1 storey)	20sq.m	7sq.m	21sq.m
Flat A3	2b3p (1 storey)	20sq.m	6sq.m	64sq.m
Flat B3	2b3p (1 storey)	20sq.m	6sq.m	81sq.m

3.4 As before, externally, the units would also be to a very high standard. The overall living conditions of the proposed properties would therefore be to a very good standard.

#### **4. Neighbouring amenity**

4.1 A detailed assessment was provided within the committee report for application 19/3056 on the impact of the development on surrounding properties. This concluded that all neighbouring residential properties would continue to receive good levels of daylight/sunlight, privacy and outlook. Given that the amendment relates to an enlarged footprint, but this is experienced solely along Brondesbury Park, it is reasonable to conclude that any impact arising as a result of the enlargement would be experienced only by the properties directly opposite. This report therefore does not reassess the impact of the development on Moatfield House, 15 or 32 the Avenue as the relationship with the development remains largely unchanged.

4.2 In relation to Belvedere Hall and Marada House, the proposed development would project forwards by a maximum of 0.7m. There would still be a separation distance in excess of the 18m between directly facing habitable room windows to ensure that the residents of these properties do not experience any harmful loss of privacy.

4.3 A daylight/sunlight statement has been produced by 'Right of Light Consulting' who were the authors of the daylight/sunlight assessment submitted in respect of application 19/3056. This confirms that the amendments proposed, do not materially affect the findings of the previous assessment and therefore the development would have a low impact on the light receivable by neighbouring properties. As such there is no daylight/sunlight related reason as to why planning permission should not be granted.

4.4 The proposed development would continue to have an acceptable impact on the occupants of neighbouring residential properties.

#### **5 Trees and landscape**

5.1 There is a mature council owned tree on Brondesbury Park adjacent the subject site which is considered to have significant amenity value, this a category B tree, identified in the previously submitted arboricultural impact assessment as a T1 Horse Chestnut. An addendum to the arboricultural impact assessment and method statement has been submitted as part of this application to assess the additional impact of the enlarged footprint. Whilst the proposal involves a slight enlargement of the building, bringing the consented front elevation forwards by 0.7m and therefore a further encroachment into the RPA of this tree, the addendum confirms that any further impact on the underlying roots, due to the very minor change proposed, is extremely small. Therefore there is no requirement for any additional measures to those already outlined in the comprehensive arboricultural impact assessment submitted as part of planning application 19/3056. On this basis, the proposed amendment is considered to have an acceptable impact on this mature tree. However in order to ensure its protection during the construction process, and as before, two conditions will be attached, including that the contents of the tree report, and now tree addendum are adhered to in full. Compliance with the already discharged site supervision schedule will also be conditioned, as this covers key operations within the RPA of T1 specifically in terms of excavation and the installation of piles.

5.2 In order to respect the suburban nature of the surrounding area, soft landscaping is proposed to

the frontage. Whilst the front building line would shift forwards, this would not significantly decrease the amount of soft landscaping that could comfortably be accommodated to the frontage. As before a detailed landscaping scheme is requested by condition, whereby the amount of soft landscaping to the frontage should be maximised.

## **6. Transport**

6.1 The proposed amendments do not affect the number of flats or the numbers of bedrooms within the flats, whilst the car and cycle parking, refuse storage and access arrangements also remain as originally approved. As such, there are no transportation concerns with regard to the proposed amendment.

## **7 Flood Risk**

7.1. The subject site is located in an area susceptible to surface water flooding. A Flood Risk assessment and sustainable urban drainage report was submitted as part of application ref. 19/3056 to demonstrate how the development would not give rise to increase surface water flooding. The submitted Flood Risk Report recommended that surface water be attenuated using an attenuation tank beneath the proposed car park, or via 'blue roofs' prior to discharge at Greenfield rates into the Thames Water sewers. The detailed design of these elements were subject to a pre-commencement condition which has already been discharged under application ref. 20/1482.

This application has been accompanied by a flood risk addendum which states that the revised proposal does not affect the findings of the previously submitted Flood Risk Assessment. Therefore, subject to a condition requiring compliance with the details already discharged under planning ref. 20/1482 the proposed development would not result in an increase in flood risk.

## **8. Equalities**

8.1 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).

## **9. Conclusion**

9.1 The principle of the proposed development remains acceptable. The development would continue to provide 9 good quality homes that would contribute towards the Borough's housing targets and would ensure a good standard of accommodation for future residents. The development would continue to have an acceptable impact on the occupants of neighbouring residential properties and despite the enlarged footprint would have an acceptable impact on the character and appearance of the locality. It would also be acceptable in a transport capacity. The application therefore complies with the development plan and the benefits of the scheme would clearly outweigh any harm.



Application No: 20/1464

To: Miss Walker  
Avison Young  
65 Gresham Street  
London  
EC2V7NQ

I refer to your application dated **18/05/2020** proposing the following:

Variation of condition 2, development built in accordance with approved plans to allow:

- (1) Amendments to the front façade to enable its alignment with the consented balconies;
- (2) Minor alterations to the internal layout of the building as a result of the proposed façade amendments;
- (3) Other minor associated changes;

of Full Planning Permission reference 19/3056 dated 20 March, 2020, for Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.

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

at **13 The Avenue, London, NW6 7NR**

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: 06/10/2020

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.





SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2019)  
London Plan (2016)  
Core Strategy (2010)  
Brent Development Management Policies (2016)  
SPD 1 -Brent Design Guide (2018)

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of the previous planning permission, reference 19/3056 (20 March 2020).

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

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

Location Plan

Block Plan

Proposed Drawings -

7263/-05 Rev J  
7263/-06 Rev J  
7263/-07 Rev J  
7263/-08 Rev J  
7263/-09 Rev J  
7263/-13 Rev J

Consented Drawings

7263/-01 Rev I  
7263/-02 Rev I  
7263/-03 Rev I  
7263/-04 Rev I  
7263/-05 Rev I  
7263/-06 Rev I  
7263/-07 Rev I  
7263/-08 Rev I  
7263/-09 Rev I  
7263/-10 Rev I  
7263/-11 Rev I  
7263/-12 Rev I  
7263/-13 Rev I  
7263/-14 Rev I  
7263/-15 Rev I  
7263/-16 Rev I  
7263/-17 Rev I  
7263/-18 Rev I  
7263/-19 Rev I  
7263/-20 Rev I  
7263/-21 Rev I

7263/-22 Rev I  
7263/-23 Rev I  
7263/-24 Rev I

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

- 3 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any above ground work is commenced, unless carried out in accordance with the details already discharged under application reference. 20/2435. 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.

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

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

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

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

- 6 All measures outlined in the Arboricultural Planning Statement prepared by AD Tree Consulting dated 11 August 2019 and addendum to 2019/005/APS Rev A shall be implemented and adhered to in full.

Reason: In the interests of tree preservation and the visual amenity of the area.

- 7 Prior to the occupation of the development hereby approved, the rear access to Brondesbury Park shall be widened in accordance with the submitted details and the on-street permit holders' pay and display bay, shall be removed, with the works required to facilitate this to be entirely funded by the applicant.

Reasons: In the interests of highway safety. To ensure safe access and egress from the site.

- 8 No further extensions or buildings shall be constructed within the curtilage of the three dwellinghouses forming part of this development, notwithstanding the provisions of Classes A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- 9 The privacy screen to unit B3 as indicated on drawing no 7263/08 Rev I, shall be obscure glazed and installed to a height of 1.7m. The privacy screen shall then be retained in perpetuity, for the lifetime of the development, unless otherwise agreed in writing by the local planning

authority.

Reason: In the interests of neighbouring amenity.

10

Details of the landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations). Such details shall include:

- (i) A planting plan for of the front and rear garden areas;
- (ii) Provision of any walls fences, gates or other form of boundary treatment to be provided or retained;
- (iii) Details of surfacing materials for hard landscaped areas within the site;

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

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 11 Further to the demolition of the existing building but prior to the commencement of development, a detailed site supervision schedule that covers key operations within the root protection area of the tree indicated as T1 in the submitted Arboricultural Planning Statement dated 11 August 2019 (specifically where this involves excavation and installation of piles) shall be submitted to and approved in writing by the local planning authority unless carried out in accordance with the details already discharged under application reference 20/1486. The approved schedule shall then be adhered to in full.

Reason: In the interest of tree preservation and visual amenity of the area.

- 12 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction. The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

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

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

- 13 Unless carried out in accordance with the details already discharged under application ref. 20/1486, prior to the commencement of the development details of sustainable urban drainage systems shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The submitted details shall include information about the design storm period and intensity and the method employed to delay and control the surface water discharged from the site. Furthermore, no properties shall be occupied until confirmation has been provided that either:- all surface water will drain via SUDS or where surface water is to be discharged to the public network any upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan

Reason: To ensure that the development does not give rise to an increase in surface water flooding

## 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 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 Thames Water advise the applicant that if they are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 The applicant is advised that the local authority carry out unannounced site visit to ensure that

tree protection measures are in place and that non adherence to approved documents will lead to enforcement action.

- 9 The applicant is advised to contact the Head of Highways and Transportation to arrange for a crossover to Brondesbury Park to be widened and the adjacent parking bays to the amended at the developer's expense.

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