



Planning Committee

Wednesday 13 January 2021 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
Kennelly
Maurice
J Mitchell Murray

Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, 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

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 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 meetings - 26 Nov 2020		1 - 10
a) Minutes of previous meeting held on 9th December 2020		11 - 18
APPLICATIONS FOR DECISION		
3. 20/1683 416 Ealing Road, Wembley, HA0 1JQ	Alpertown	23 - 62
4. 20/2164 79-83 ODDS, Kenton Road, Harrow, HA3 0AH	Northwick Park	63 - 92
5. 18/3498 Land at 370 High Road and 54-68 Dudden Hill Lane, London, NW10	Dudden Hill	93 - 132
6. 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 10 February 2021

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Thursday 26 November 2020 at 6.00 pm

PRESENT: Councillors Kelcher (Chair), Johnson (Vice-Chair), S Butt, Chappell, Dar, Dixon, Maurice and J Mitchell Murray

ALSO PRESENT: Councillor Colacicco, Councillor Kansagra and Councillor Kennelly.

1. **Declarations of interests**

None.

Approaches.

97 Woodcock Hill

Councillor Maurice declared that he had had interacted with residents in the past in relation to this property, but not in relation to this application.

90 Anson Road

Councillor Dar declared that he was approached by a resident but had no discussion with the residents.

2. **Minutes of the previous meeting - 14 October 2020**

RESOLVED:-

that the minutes of the previous meeting held on 14th October 2020 be approved as an accurate record of the meeting.

3. **20/0967 Wembley Park Station Car Park and Train Crew Centre, Brook Avenue, Wembley, HA**

PROPOSAL:

Comprehensive mixed-use redevelopment of the site comprising the phased demolition of the existing buildings and structures on site and the phased development comprising site preparation works, provision of five new buildings containing residential uses, replacement train crew accommodation and flexible retail floorspace, basement, private and communal amenity space, associated car parking (including the part re-provision of station car parking), cycle parking, refuse storage, plant and other associated works.

RECOMMENDATION:

GRANT planning permission subject to referral to the Mayor of London (stage II 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 be 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 that informed of additional objections and added that they did not raise new issues. He drew Members' attention to the amendment to the Heads of terms of the Section 106 legal agreement.

Ms Nicoleta Benga objected to the grant of planning permission for reasons including the following:

- The proposed development would add to overcrowding of the nearby public park in an area that was already "deficient" of open space as outlined in the objectors' section of the main report.
- The proposal would cause parking and traffic congestion particularly on Brook Avenue despite being a car free development and the anticipated consultation for the introduction of CPZ.
- The proposed tall blocks are much higher than the other buildings in the street and would cause overshadowing and loss of light to existing homes, including nearby Matthews Close.

Mr Phillip Grant (objector) raised several issues including the following:

The application site would be inappropriate for tall buildings in breach of adopted policy. He continued that the proposed 454 homes constituted an over-intensive use of the site within a residential area site and in his view the site could accommodate no more than 300 homes.

Councillor Kennelly (ward member) welcomed the proposal in particular the opportunity to increase housing provision by delivering 40% affordable housing

however, he emphasised the need for the Committee to consider the views of local residents on the proposal. These included the scheme not being in keeping with the local area, amplifying the challenges that the community faced on Brook Avenue including parking, traffic congestion, pollution, anti- social behaviour and excessive height. He referred to Block E that local residents considered excessively high and urged the Committee to consider carefully the benefits of keeping the development in line with the local area in particular in line with the height of the neighbouring “Smith” Block on St. Matthew’s Close.

Councillor Kansagra stated that he had not been approached in connection with the application. He echoed the views expressed by Mr Grant and added his objections to the application for several reasons including the following;

- The excessive height of the scheme was a departure from the Wembley Area Action Plan (WAAP).
- Detrimental impact on the residential amenities of existing and future residents.
- The loss of Wembley Park station car park resulting in an increase in parking and traffic congestion on Brook Avenue.
- The possible introduction of CPZ would result in parking displacement in nearby streets.

Ms Katie Savin-Taylor (agent) addressed the Committee and answered Members’ questions. She outlined the benefits of the scheme including the provision of 454 new homes, of which 40% will be affordable by habitable room, a new flexible retail space and train crew accommodation and public realm along Brook Avenue. She continued that the applicant had worked with the CABE Design Review Panel and local community in order to create this exciting new addition to Wembley Park. Members heard that in response to the consultation, the applicant made a number of changes including the following:

- A reduction in the maximum height from 30 to 21 storeys;
- An increased number of affordable rented units, directly addressing Brent’s housing needs; and,
- The creation of an enhanced and widened public realm along Brook Avenue.

In response to Members’ questions, the agent submitted the following answers:

- The scheme would be ‘car free’ for new residents, with the exception of 14 accessible blue badge spaces, encouraging sustainable transport movements.
- Officers had addressed service and delivery facilities in the main report.
- The application complied with the site allocation and its impact assessment was considered appropriate with the emerging Local Plan.

During question time, members raised issues mainly relating to the height of the scheme, parking and traffic impact. Officers responded that the application materially complied with the Local Plan and Emerging Plan for the Wembley Park area which was now considered a “tall buildings” zone. However, officers highlighted that the site allocation within emerging policy specified that buildings

could be 10-storeys, rising slightly toward the station, and that 13-storeys were proposed to the west, and that the maximum height was not “slightly” higher than 10-storeys. Nevertheless, officers advised that when looking at the development plan as a whole, and weighing the benefits of the scheme that the additional height beyond that specified within the site allocation was considered to be acceptable. The height, which would vary from 21 to 13 storeys, would maintain an acceptable relationship with Matthew Close and maintain the evolving character of the area. They added that a survey undertaken in February 2020 confirmed a modest use of the existing car park and thus the parking provision including disabled spaces coupled with permit restriction and the possible introduction of CPZ would ensure that the scheme would not give rise to parking problems. Officers referenced the sustainable measures including the Travel Plan, provision of cycle spaces and the free 3-year car club membership for residents.

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.

DECISION: Granted consent, subject to the Section 106 heads of terms as amended in the supplementary report, conditions and informatives as set out in the committee report and subject to the Stage 2 referral of the application to the Mayor of London.

(Voting on the decision was as follows: For 7; Against 1)

4. 20/2473 6 and 6A Coombe Road, London, NW10 0EB

PROPOSAL:

Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, four, six and seven storey building providing flexible employment workspace on ground and part of first floor, and self-contained flats with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development.

RECOMMENDATION:

GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations.

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

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.

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 application "expiry date" the legal agreement has not been completed, the Head of Planning be 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. She drew Members' attention to the supplementary report that clarified the affordable housing at London Affordable Rent levels, the removal of short-term cycle parking stands from the public footway (amendment to condition 2) and reported that Environmental Health officers had confirmed that the air quality assessment submitted is acceptable.

Ms June Taylor (Principal Planning Officer) introduced the report setting out the key issues, outlining the differences between the current application and the extant consent and answered Members' questions. She referenced the supplementary report that clarified the scheme at London Affordable Rent levels, the removal of short-term cycle parking stands from the public footway, to provide more information on the relationship with neighbouring properties (amendment to condition 2) and the acceptance of the submitted air quality assessment by Environmental Health officers.

Ms Mary Duffy objected to the proposed development for several reasons including the following:

- The proposed height of the flats (now seven storeys), being several times the height of the existing structure and those of the nearby street of Braemar Avenue and that of nearby Roger Stone Court would be imposing.
- The excessive height would crowd and overlook and possibly block light to existing residential properties to an unacceptable degree, resulting in overlooking and detrimental to Braemar Avenue, a residential street, with houses of no more than two storeys
- The proposal would not be appropriate in an area that mixes many low-rise residential houses, few flats and very few commercial properties.
- The revision of the application from the previous 31 to now 52 flats would be detrimental to the environmental and residential amenities.

Mr Luke Cadman (agent) addressed the Committee and answered members' questions. He submitted several points including the following:

- The application would allow a better configured scheme than the consented scheme in terms of number of units, mix and layout and replacement employment space provision.
- The application complied with the wider site allocation in emerging Local Plan for the area and whilst the heights proposed slightly would exceed the

site allocation, the surrounding area is high density urban area that would benefit from maximised affordable housing and family sized units.

- Roof level high-quality amenity space has been maximised with improved pedestrian links along river to Welsh Harp Reservoir to offset the slight shortfall in amenity for residents.
- Despite its urban location, the proposal would ensure sufficient separation distances to existing neighbouring residents and that the scheme would not be unduly detrimental to the daylight/sunlight of neighbouring windows given its urban context.

Members discussed the application and noted officers' responses on questions relating to noise, compliance with the emerging Local Plan and the character of the Coombe Road 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 by a majority decision to approve the application.

DECISION: Granted planning permission as recommended subject to an amended condition 2 as set out within the supplementary report.

(Voting on the decision unanimous as follows: For 8; Against 0)

5. 18/2006 97 Woodcock Hill, Harrow, HA3 0JJ

PROPOSAL:

Demolition of existing sheltered housing (Use Class C2) and erection of a three storey building to provide 9 residential flats with associated landscaping, car parking and amenity space.

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 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 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, set out the key issues and answered Members' questions.

Councillor Kansagra (ward member) stated that he had not been approached in connection with the application. Councillor Kansagra whilst welcoming the application stated that its height would exceed the height of surrounding houses and by not being in line with top of the roofs of 93, 95 and 99 Woodcock Hill would be out of character and set a precedent for similar developments in the area.

Mr Adrian Campbell objected to the application raising several issues including the following:

- The application would breach a covenant attached to the property deeds that requires that any alterations to the original property size should not exceed the original size or location.
- The development (as with the current building) would be out of character with the surrounding properties on the road.
- Inadequate provision of only 9 on site car parking spaces which was likely to result in parking overspill to the neighbouring streets with potential increases in safety risk and vehicular accidents.

Mr Reginald Lake (objector) echoed similar sentiments.

Mr Bryan Staff and Mr Joao Goncalves (project planner and architect respectively) addressed the Committee and answered Members' questions. The following points were noted:

- The use of the property for sheltered housing was no longer required (as confirmed by Council's adult social care services) and as such the loss of the facilities would not have a negative impact on Brent's ability to appropriately meet the needs of residents in the borough.
- The existing building is an anomaly in the street scene and contributed very little to the character, appearance and visual amenities of the locality.
- The development of 9 flats, predominantly comprising family sized accommodation would be of a high quality and a sustainable design, making efficient and effective use of a brownfield site which national, regional (London Plan) and local planning policies strongly advocate to ensure the successful delivery of housing for a sustainable future.
- The revisions made to the scheme through consultation with neighbours and officers had addressed previous concerns, resulting in a design that respected the characteristics and the streetscene of the locality.
- The minor shortcomings in relation to the guidance set out within SPD1, was not as excessive compared to the existing development and thus no demonstrable harm would result.
- The redevelopment of the site would include a significant proportion of soft landscaping, softening elements of the built form, particularly in relation to the adjacent residential properties and allowing the proposal to assimilate successfully with its surroundings and with suitable levels of off street parking proposed to lessen the visual impact.

Members asked officers to clarify issues relating to the covenant, style and scale of the proposal, parking and impact on the nearby conservation areas. The following responses were note:

- The covenant to which the objector referred was not a valid planning consideration.
- The scale of the building incorporating flat roof instead of pitched roof would be sympathetic to the streetscene.
- The scheme would provide adequate for car parking than would be required and although not envisaged, any unlikely parking overspill could be accommodated in the street without impact on vehicular safety.
- Although situated in between 2 conservation areas, the application would not have any impact on the conservation areas.

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.

DECISION: Granted planning permission as recommended within the Committee report.

(Voting on the decision was as follows: For 7; Against 1)

6. 18/4777 All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London

Application withdrawn from the Planning Committee meeting as the Affordable Housing offer was reverted to reflect the proposal previously considered Planning Committee.

7. 20/0174 90 Anson Road, London, NW2 6AG

PROPOSAL:

Conversion of dwellinghouse into 3 self-contained flats and works to include a gable end roof extension, rear dormer window and 2 front rooflights to convert loft, a single storey side and rear extensions, demolition of outbuilding to rear and creation of parking space with new vehicular access, associated landscaping, new boundary wall, provision for refuse and bicycle storage and removal of existing vehicular access.

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 reports.

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 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 Team Leader) introduced the report setting out the key issues and answered Members questions. He referenced the supplementary report and drew Members' attention to the outcome of discussions with the applicant's agent over the provision of garden space for the upper floors and the consequent amendment to condition 8 as set out within the supplementary report.

Mr Gavin Selerie objected to the application for several reasons including the following:

- The planning permission for conversion of the property into three flats would change the character and aesthetic of the house, to the detriment of the area and unlikely to comply with STD2 corner property guidance.
- There were no outdoor amenities for the occupants specified in the plan.
- The parking situation in the area which was already a difficult issue, would be exacerbated by the proposed development.
- The proposal would set a precedent for similar developments in the Anson Road area.

Mr Kane Johnson-Bennett (objector) echoed similar sentiments and adding that the loss of garden space would aggravate flash flooding in the area. He also highlighted inadequate infrastructure (lack of school places) to support the application.

Councillor Colacicco (ward member) also expressed similar views as above.

In response to the issues raised, officers stated that the Council's drainage officer had assessed the flood risk and concluded that the additional amount of modest hard surfacing would not be an issue for flash flooding. Members heard that the application complied with the parameters of the design guide and parking standards. Officers also highlighted the amendment to condition 8 as set out within the supplementary report to require details of the access to and allocation of the rear garden to ensure that upper floor flats have access to an appropriate area of outside garden space.

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.

DECISION: Granted planning permission as recommended subject to an amended landscaping condition (8) to require details of the access to and allocation of the rear garden to ensure that upper floor flats have access to an appropriate area of outside garden space.

(Voting on the decision was as follows: For 7; Against 1)

8. Any Other Urgent Business

None.

The meeting closed at 11.00 pm

COUNCILLOR M. KELCHER
Chair



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 9 December 2020 at 6.00 pm

PRESENT: Councillors Kelcher (Chair), Johnson (Vice-Chair), S Butt, Chappell, Dixon, Kennelly, Maurice and J Mitchell Murray

1. **Declarations of interests**

None.

Approaches.

Northwick Park, Nightingale Road

Councillors Johnson and Kennelly declared that they had had meetings with the developers but would consider the application with open minds.

Beresford Avenue

Councillor Kennelly declared that he had had meetings with the developers but would consider the application with an open mind.

2. **Land adjacent to Northwick Park Hospital, Nightingale Avenue, London, HA1 3GX**

PROPOSAL: Full planning permission for demolition of existing buildings and structures on the site, all site preparation works for a residential led mixed-use development comprising 654 new homes, associated car and cycle spaces, a replacement nursery, retail space, associated highways improvements, open space, hard and soft landscaping and public realm works.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

Referral to the Mayor of London (stage II 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.

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'

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 be granted delegated authority to refuse planning permission.

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

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and set out the key issues. She referenced the related application 20/0677 that proposed junction improvement works to Watford Road and the widening of the existing Northwick Park Hospital spine road to allow two-way traffic, permission for which was granted on 4 December 2020, under delegated powers as provided for in Brent’s Constitution. Ms June Taylor (Principal Planning Officer) provided more context, setting out further key issues and answered Members’ questions. In reference to the supplementary report, she drew Members’ attention to minor corrections in the main report and an amendment to condition 29 on external lighting, signage and wayfinding.

Mr Mark Connell (agent) addressed the Committee and answered Members’ questions. Members heard that the application for 654 high quality homes would make a notable contribution to the Northwick Park Growth Area. The scheme would bring forward a replacement nursery, flexible retail space, 245 much needed affordable homes 28% of them being affordable family homes. All homes would meet or exceed space standards with 75% of all dwellings being dual aspect and none being single aspect north facing. He added that the applicant had chosen the materials for aesthetic and longevity and that all homes would be tenure blind with access to dedicated private amenity space, in excess of the London play space requirements. Mr Connell continued that officers and CABI had carefully considered and rigorously tested the design and that the GLA had praised the housing quality and contemporary design approach. Whilst acknowledging that some trees would need to be removed, over 208 new trees would be planted, equivalent to 4.7 new trees for each one lost.

In response to members’ questions, Mr Connell submitted the following:

- The number of affordable homes was arrived following independent financial viability assessment that put the scheme in £17m deficit and that key worker negotiations were ongoing with Network Housing undertaking 1-1 sessions.
- Lighting during construction was addressed via a condition and within the Design and Access Statement.

- The application had put in place measures to address climate emergency via energy generation, landscaping, biodiversity and low parking ratio and that a precautionary survey would be undertaken to safeguard protected species.
- In addition to the provision of drop off spaces and layby bays, the car park management plan would provide additional details on delivery and servicing facilities.
- The scheme would secure the requirement to undertake a feasibility study for step free access and station capacity for Northwick Park underground station where the focus would be rather than South Kenton station. In addition, £250,000 had been agreed for the improvement to the pavilion for sporting activities and other community use.

During question time, Members raised several issues around London affordable rent, flooding in the Northwick Park area and transport. Officers submitted the following responses.

- The scheme offered 70 London Affordable Rent units, which was a greater number than the scheme could viably support if the affordable housing was proposed with a policy compliant mix, according to the financial viability assessment which had been robustly assessed on behalf of the Council.
- Adequate measures were in place to address flooding and protect wildlife that would include drainage strategy, landscaping, attenuating tanks and a contribution of £10,000 towards creating a park water meadow. The construction environmental management plan would contain further details on ecological appraisal.
- The applicant had agreed to fund the cost of a feasibility study for step free access and capacity improvements to Northwick Park station.

For clarity, Mr Gerry Ansell (Head of Planning) informed members that the S106 legal obligations were to mitigate impact of the development and that funds secured under CIL would support growth but not to deal with pre-existing issues.

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 unanimous decision to approve the application.

DECISION:

Granted planning permission subject to Stage 2 referral to Mayor of London, s106 agreement, conditions and informatives as set out in the report and revisions to condition 29 as set out in the supplementary report.

(Voting on the decision was as follows: For 8; Against 0)

3. 20/2033 Euro House, Fulton Road, Wembley, HA9 0TF

PROPOSAL:

Demolition and redevelopment to provide new buildings ranging between 11 and 21 storeys with basement levels; all for a mix of uses comprising 493 residential units, retail (Use Class A1) and industrial floorspace (Use Class B1(c); provision of

private and communal space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

Any direction by the London Mayor pursuant to the Mayor of London Order

Any direction by the Secretary of State pursuant to the Consultation Direction

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.

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'

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

Mr Neil Quinn (Principal Planning Officer) introduced the report, set out the key issues and answered Members' questions. He referenced the supplementary report that amended the levels of external amenity space provided for Block B and an amendment to condition 30 on details of archaeological works.

Mr Richard Ward (agent) addressed the Committee and answered Members' questions. He welcomed the recommendation for approval of the application as it complied with the planning policy for the development of the site including the height of buildings, its location within the Wembley Park core tall building zone and the capacity for 500 homes. He drew attention to the comprehensive consultation process that resulted in; reducing the height of buildings A and B, increasing the proportion of London Affordable Rent homes beyond what was required by planning policy and increasing the amount of external amenity space at ground level. Mr Ward then went on to outline the benefits of the scheme including as set out in the officers' report. These included the following; 493 new homes, including 98 affordable homes, almost 3,000 square metres of new flexible industrial space, much-improved setting and proposed enhancements to Wealdstone Brook, a car free development with 930 cycle spaces and a £550,000 contribution towards bus

service enhancements to support the Council's aspirations to provide sustainable transport solutions in the area.

In response to Members' questions, Mr Ward submitted the following:

- The scheme would be tenure blind with shared allotment space that would be pursued via the landscape condition.
- The impact to the nearby student accommodation and the relationship with the buildings within the Wembley opportunity area were considered acceptable.
- The amount of affordable housing was the maximum that could be provided after the robust independent financial viability assessment.
- The scheme would provide 3 dedicated service bays with access controlled by bollards and on-site management services as part of the management plan within the S106 legal agreement.

In the ensuing discussions, members sought the justification for and further clarification on a number of issues including; affordable housing, height, density, lighting, overlooking to neighbouring properties' potential anti-social behaviour and traffic impact. Members noted the following submissions by officers:

- The affordable housing provision was the maximum achievable within the Local Plan and followed a robust financial viability assessment for a scheme that favoured London Affordable Rent and family size units in addition to the provision for employment and industrial workspace.
- In view of its challenging site, the scheme struck a right balance mix in terms of density and height as it offered the following; a separation distance in excess of the 18m requirement to minimise overlooking, 54% dual aspect windows, high quantum of communal amenity space and a 5m of private amenity space per dwelling unit.
- Secure by design measures coupled with active frontages and a condition on external lighting strategy would provide natural surveillance and thus address potential anti-social behaviour from the development.
- Officers in Transportation were supportive of the current one-way traffic system in Fulton Road, however, there was a long term aspiration to convert this to a 2-way traffic system that would enhance a safer cycle route in the 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 by a majority decision to approve the application.

DECISION:

Granted planning permission subject to the legal agreement, conditions and informatives as set out in the main report, with revisions to condition 30 as set out in the supplementary report.

(Voting on the decision was as follows: For 5; Abstention 1; Against 2)

4. 20/1424 100 Beresford Avenue, Wembley, HA0 1QJ

PROPOSAL:

Demolition of existing commercial building and erection of two buildings (6 storeys and part 7 storeys in height) comprising 100 residential dwellings (Use Class C3) and commercial floorspace (Use Class B1c) on ground floors with associated servicing, parking and refuse stores, amenity space, a commercial yard and soft landscaping.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to conditions and the prior completion of a Section 106 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.

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.

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 the planning application the legal agreement has not been completed, the Head of Planning be 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.

Ms Victoria McDonagh (Development Management Team Leader) introduced the report, set out the key issues and answered Members' questions. In reference to the supplementary report, she drew Members' attention to amendments to plan numbers (condition 2) and provided further clarity on industrial floorspace, information on the type of heating source proposed for the scheme and the applicant's agreement to provide approximately £46,500 towards improvements to the park in Heather Park.

Ms Sally Furminger and Mr Nicolas Khalili (agent and architect respectively) addressed the Committee and answered members' questions. Members heard that the scheme would provide a significant percentage of affordable housing

comprising 50% along with a policy compliant tenure split. Additionally, it would provide new employment space with 3 new commercial units and an attractive publicly accessible canal side frontage and path. Ms Furminger continued that the S106 legal obligations would more than offset the marginal shortfall in amenity space. Mr Khalili clarified issues relating to design and added that the scheme would enhance the streetscape. It was advised that there may be an opportunity to connect to a nearby heat network, such as the one in the Grand Union development to improve levels of carbon reduction

Whilst welcoming the provision of affordable housing, Members questioned the adequacy of space for future occupants and requested officers to clarify that and issues relating to heating system together with future costs for occupants.

Officers explained that the scheme would provide sufficient amenity space on site but additionally would provide a suite of amenities including access to the canal site, pocket parks, canal towpaths and Abbey Wharf in addition a financial contribution of £46,510 to upgrade Heather Park open space. In respect of the heating system, officers reported that with the main heating system for the residential units being communal gas boiler, the system can be connected with a potential heat network in the future. To capture that, officers had recommended a condition for the feasibility of connecting to a future heating district network.

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 unanimous decision to approve the application.

DECISION:

Granted planning permission subject to s106 agreement and conditions and informatives as recommended in main report, with revisions to condition 2 as set out in the supplementary report.

(Voting on the decision was as follows: For 8; Against 0)

5. Any Other Urgent Business

None.

The meeting closed at 8.53 pm

COUNCILLOR M. KELCHER
Chair

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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

13 January, 2021
03
20/1683

SITE INFORMATION

RECEIVED	10 June, 2020
WARD	Alperton
PLANNING AREA	
LOCATION	416 Ealing Road, Wembley, HA0 1JQ
PROPOSAL	Demolition of existing building and redevelopment of the site to deliver a building of between three and seven storeys in height comprising residential homes and flexible commercial space, with associated outdoor communal amenity space at courtyard and roof levels, widened pavement along Ealing Road and Alperton Lane to accommodate new outdoor public space, car parking, cycle storage, refuse storage, hard and soft landscaping and plant
PLAN NO'S	Refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_150237</p> <p><u>When viewing this as an Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "20/1683" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. 21% affordable housing comprising of 13 affordable rent units at London Affordable rent levels and 6 shared ownership units.
4. An appropriate late stage review mechanism to secure additional on site affordable housing .
5. Carbon Off-setting– Pre-construction: submission of revised Energy Assessment to achieve minimum of 35% carbon reduction with any shortfall in carbon zero to be secured through a financial contribution to Brent's carbon offsetting scheme. Post-completion: submission of revised Assessment, final financial contribution.
6. Controlled Parking Zone – Financial contribution of £70,000 towards implementation of Controlled Parking Zone in the vicinity.
7. A parking permit restriction to remove the right of residents to on-street parking permits in any future Controlled Parking Zone that is implemented in the area.
8. Highway Works under a S38/S278 Agreement to:
 - (i) Highway works to widen the footway of Alperton Lane to accommodate a loading bay.
 - (ii) Remove all redundant accesses to the site
 - (iii) Resurface the footways of Alperton Lane and Ealing Road along the site frontages
 - (iv) Improved vehicle entrance kerb radii west of the site
9. Car Club - Provision of three years free membership of a local Car Club for all incoming residents.
10. Provide the community floorspace to shell, core and utilities prior to Occupation of the residential units. Should the unit not be occupied within a 2 year period starting 6 months after being provided having been marketed throughout this period at a cost that is appropriate for a community hall, to make the unit available for commercial use falling within Use Classes E(a) to (c)
11. Submission of a Travel Plan
12. Submission of an employment and training plan for Brent residents
13. Indexation of contributions in line with inflation

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:

Conditions

Compliance

1. 3 years consent

2. Approved Drawings
3. Number of Units
4. Use of Commercial Units
5. Accessible Homes
6. Refuse Details
7. NRMN
8. Approved Parking and Cycle Storage
9. Water Consumption
10. C4 small HMO restriction
11. Recommendations in approved Air Quality Assessment
12. In accordance with approved Aboricultural Impact Assessment

Pre-commencement

13. Construction Method Statement
14. Construction Logistics Plan
15. Fire Safety Strategy
16. Thames Water: Potable Water Infrastructure details

Post-commencement

17. Materials
18. Land Contamination study
19. Soil Commination Remediation
20. Balcony screening details
21. Landscaping details

Pre-occupation or use

22. Noise Impact Assessment
23. Plant noise testing if necessary
24. Waste Management Plan
25. No piling method statement

Informatives

1. Building Adjacent to Boundary
2. CIL Liability
3. Party Wall Act
4. London Living Wage
5. Fire Safety Standards
6. Asbestos Regulations
7. Quality of Imported Soil

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.

SITE MAP

**Brent**

Planning Committee Map
Site address: 416 Ealing Road, Wembley, HA0 1JQ
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

PROPOSAL IN DETAIL

The application is seeking planning to demolish the existing building occupying the site. The proposal would result in a new mixed use development comprising of commercial space (508sqm) and community use on the ground floor (102sqm). The upper floors would facilitate 132 new homes which would include 18 x studio flats, 69 x 1 bedrooms, 19 x 2 bedrooms and 26 x 3 bedrooms.

The proposed new build would incorporate a stepped massing approach that would rise from three storeys along the northern boundary up to seven storeys at the corner of Ealing Road and Alperton Lane. The west block would rise from three to seven storeys and east block would rise from four to seven storeys.

The flexible commercial space would be located along Ealing Road with elements wrapping around the south eastern portion of the development. The existing access road to the west of the site would be maintained. 11 parking spaces would be positioned to the rear of the site. Four of the spaces would be allocated for disabled spaces. An additional 4 spaces would be included adjacent to the parking access road. The refuse storage area would be provided towards the north western portion of the site.

The development has four cores, located at each corner of the development. These cores are accessed by residents only through the communal courtyard in the centre of the site. Further communal terrace spaces would be located on the third and sixth floors.

Additional trees would be planted along the pedestrian pavement facing Ealing Road. The proposed community use would be sited in a separate single storey structure that would be positioned between both blocks east and west of the site. A loading bay would be included to the south of the site along Alperton Lane. PV panels would also be included on the roof. The refuse storage area would be located north west of the site.

EXISTING

The application site consists of a large single storey retail warehouse unit occupied by Curry's PC world and Carphone Warehouse. The area to the front of the retail warehouse unit contains a car park area and both a loading and refuse areas are located to the rear of the site. The areas north and east of the site are residential in nature.

A group of terraced properties are situated along the northern flank boundary of the application of the site. The properties north of the site facing Ealing Road contain a group of terraced properties with retail uses occupying the ground floor elements.

The site is also designated as a site allocation within the Draft Local Plan (Allocation: BSWSA16). The site directly west of the site contains industrial warehouse type buildings. A petrol garage is situated to the south of the site which is designated as LSIS. The site is not situated within a Conservation Area nor is the building listed.

AMENDMENTS SINCE SUBMISSION

Amended plans were provided during the course of the application. These involved minor modifications that were not considered to materially alter the nature of the scheme. As such, no further consultation was carried out. A summary of the changes include:

Internal re-arrangements to a number of flats

- Screening to north facing balconies

- Alterations to spacings between bicycle racks changed and number of long-term cycle residential spaces increased to 212

- Addition of 58 solar panels added to suitable roof areas.
- Loading bay added in front of community use building.
- External entrance to south-west bicycle storage removed.
- Doors from Community Use space into residential courtyard removed.
- Submission of daylight and sunlight report to assess the sunlight and daylight matters within the development.
- Submission of amended sunlight and daylight report assessing overshadowing analysis of neighbouring properties to the north of the site.
- An additional Sunlight and Daylight Report was submitted including the alleyway to the rear of No's 1 – 10 Burns Road. The results of the study illustrate no additional harm in relation to Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (ASPH) findings. The overshadowing study also included the alleyway to the rear 1 – 10 Burns Road. Sunlight and Daylight analysis are discussed in greater detail within the main body of the report.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received: 10 objections were received during the course of the application. The objections are summarised within the consultation section of the report.

Principle of Development: The proposal is for a residential-led mixed use development that responds well to the emerging policy context for a residential led mixed use development on the site. The majority of the commercial and community floorspace would face Ealing Road and Alperton Lane, and these spaces would activate ground floor which would benefit the area. The proposal would also contribute towards the borough's housing targets. As a result there is not principle objection to the development.

Affordable Housing and Housing Mix: The proposal would result in 19 Affordable homes with 13 of the homes at London Affordable Rent and 6 Intermediate homes (accounting for 17% by habitable room). This would result in an almost policy compliant tenure split at 68% London Affordable Rent and 32% Intermediate (shared ownership). The proposed affordable housing contribution was considered the maximum reasonable amount the proposed development can offer and has been supported by the Financial Viability Appraisal which has been robustly reviewed by consultants acting on behalf of the Council. The proportion of family sized (3 bedroom) homes would be 20%. This would not meet the 25% target of Policy CP2 and emerging Policy BH6 but is considered acceptable when weighed against the benefits of the scheme having regard to the scheme's overall viability and associated impact on the provision of Affordable housing.

Design, Scale and Appearance: The maximum of 7 storeys to the south of the development using a stepping approach to 3 storeys to the north is considered acceptable. The proposal would allow for an appropriate transition and relationship factoring into account the traditional two storey dwellings to the north of the application site. The overall scale is considered to be appropriate for the area, despite being higher than the maximum heights specified within the Draft Local Plan (5-storeys). Each elevation would incorporate high quality finishes with a contemporary design and the introduction of different materials adds variety to each façade. The proposal would provide an active commercial frontage at ground floor level, adequate space to the sides to provide an appropriate setting, and would include footway works to provide landscaping, street trees and an enhanced pathway for pedestrians. Overall the design is considered to be of a high standard.

Impact on Residential Amenity: Separation distances would be sufficient to provide adequate levels of privacy for neighbouring residents and to allow the adjoining site to come forward for redevelopment. Impacts on daylight and sunlight to neighbouring properties, and overshadowing to neighbouring external amenity spaces, have been assessed and are considered to be acceptable given the site's location and designation.

Residential Living Standards: All homes would comply with minimum space standards and the number of single aspect units would be minimised, with none being north-facing. Whilst the amount of external amenity space on site does fall short of the requirements set out in DMP19, the level amenity space provided is satisfactory given the proximity to the nearby open space further west.

Transport Considerations: The level of car parking is considered sufficient given the level of public transport accessibility. A financial contribution of £70,000 would be provided towards the implementation of a Controlled Parking Zone. Servicing via a loading bay along Alperton Lane and refuse collection arrangements are acceptable. Delivery and Service Plan would be secured a condition. Satisfactory levels of cycle parking are proposed to London Plan standards. An additional Travel Plan Statement has also been requested via a planning condition.

Environmental Health Considerations: Conditions to be secured ensuring appropriate safeguards in terms of noise and vibration, air quality, contaminated land and the construction process.

Sustainability and Energy: The Energy Strategy demonstrates A 'Lean, Clean, Green' has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 64.15% beyond Part L 2013 standard, through the adoption of high standards of insulation, heat pump driven heating/hot water systems and heat recovery ventilation systems. A carbon off-set payment of £90,180.00 for this major scheme will meet with London Plan "Zero Carbon" requirements for major residential scheme.

Flood Risk and Drainage: The site is located in a Flood Zone 1 area and therefore has a low risk level of any potential flooding. The proposal development would greatly reduce the surface water run off leaving the site and as such would reduce flood risk on site and elsewhere.

Trees and Landscaping: Tree protection measures have been proposed, together with landscaping enhancements provided as part of the development. There are no protected trees or notable trees on site or within the vicinity of the application site.

RELEVANT SITE HISTORY

94/2031 - Outline application - Development for (Use Class A1) non-food retail warehouse unit with ancillary car parking, servicing, landscaping, and demolition of existing public house on site – Granted, 23/06/1995.

CONSULTATIONS

Consultation

Public Consultation

158 neighbouring addresses were consulted on the application on the 16/06/2020.

A site notice was posted on the 26/06/2020.

A press notice was published on the 25/06/2020.

Additional public consultation was carried out on 23/11/2020 with updated site notice displayed on 02/12/2020 and advertisement in the press on 03/12/2020 as an updated daylight and sunlight report was submitted

14 objections were received from individual addresses and the Cromwell and Burns Residents Association. A summary of the objections is set out below:

Comment	Officer's Response
Concerns raised with regards impact on light to neighbouring properties.	This addressed in paragraphs 46-58.

Issued with regards to overlooking.	This is addressed in paragraphs 38-41.
The overall height of the proposal is not acceptable.	This is addressed in paragraphs 25-29.
The development would result in an overspill of parking.	This addressed in paragraph 80.
The scheme would result in an increase in congestion on the local road networks.	This addressed in paragraphs 86-93.
The GP and dental practice is currently at full capacity. There is a lack of community and social infrastructure throughout the area. The site could be used as a community centre and medical centre	<p>To accompany the new Local Plan, an Infrastructure Delivery Plan has been prepared to identify infrastructure needs across the Borough to accommodate the projected growth.</p> <p>The scheme proposes a dedicated community space, and will be liable to Community Infrastructure Levy.</p>
The proposal would result in an increase noise and light pollution.	<p>The level of noise from the proposed development is not considered likely to be detrimental to the surrounding neighbouring properties given the nature of the proposed uses and furthermore Ealing Road comprises of a range of mix uses.</p> <p>A lighting strategy has been conditioned to ensure of the level illuminance does not have a negative impact on the surrounding properties.</p>
The proposal is overdevelopment of the site.	Refer to paragraphs 25-34.
The local park in Alperton Lane has become very noisy and overcrowded which makes it unpleasant to visit.	<p>The proposal is providing on site amenity space. It is noted that this is a shortfall to that of the required amenity space within DMP19 and emerging policy BH13. However, the overspill of any future residents utilising local parks within the area is not considered to have dramatic impact.</p> <p>Refer to paragraphs 73-78 for a full assessment.</p>
Character of the area has changed due to high rise developments to the detriment of the area	Alperton is designated as one of the Growth Area in the Borough which seeks to focus housing and employment delivery within the growth area and as such, Alperton has seen a lot of

	development proposals recently. The application site is outside of the Growth Area but within an intensification corridor, introduced through the emerging local plan primarily within main road locations, where additional height and density is encouraged to further increase housing delivery, in line with the targets set within the London Plan.
Increased crime as a result of developments	There is no evidence to suggest that there is increased crime as a result of the developments in the area. The proposed scheme has been designed with active frontages to enhance the level of natural surveillance along Ealing Road and Alpertons Lane frontages. The introduction of new homes, commercial space and community space will see increased numbers of people coming and leaving the site. Natural surveillance will increase significantly above current levels.
Neighbouring properties did not get notified of the planning application	Public consultation was carried out in accordance with statutory legislation. In response a number of objections were received from local properties.
Site should remain in commercial use	The proposal will include an element of commercial use to complement the scheme as a mixed use development.
Proposal is out of keeping with the aspirations of the original masterplan for the Alpertons Growth Area	The site is outside of the 2011 Alpertons Masterplan area, and this SPD has also now been revoked. As discussed previously, the site is within an "intensification corridor" identified within the emerging Local Plan.
Mircoclimate issues from tall buildings in the area resulting in windy environment	Whilst the building will be taller than its surroundings, this stretch of Ealing Road is wide, the impact on wind is unlikely to result in an adverse impact on the local environment and pedestrian comfort.
Lack of affordable housing	The scheme proposes 17% affordable housing. This offer has been accompanied by a FVA that concludes that the scheme has delivered the maximum reasonable amount of affordable housing
Construction work would have impacts on the area by way of noise, dust and construction traffic.	A Construction Management Plan and Construction Logistics Plan have been recommended via conditions prior to commencement of works on site.
The proposal would result in a loss of light to the offices south west of the application site.	BRE Guidance does not explicitly address commercial uses as these are considered less sensitive to loss of light than residential uses.
The proposed housing mix is not policy compliant.	Refer to paragraphs 21-22.

Internal Consultation

Environmental Health Officer - No objections to the development. Requested additional information via

conditions discussed within the report.

Noise Team – The officer raised no objections. Additional information requested via conditions discussed with the report.

Sustainability Officer – No objections to the development. Requested relevant conditions discussed within the report.

External Consultation

Thames Water – Thames Water raised no objections to the proposed development subject to conditions.

Statement of Community Involvement

The applicants have submitted a statement of community involvement which highlights the key activities undertaken prior to submission to engage with stakeholders. The stakeholder engagement activities can be summarised as follows below.

606 leaflets were sent out to local residents inviting them to attend two public exhibitions. The Ward Councillors were also notified of both these events. The two public exhibitions held in close proximity to the site at Peppermint Heights Community Centre, Northwick Rd, Alperton, HA0 1LG on 11 December 2019 between 4pm and 7:30pm, and at the Fox and Goose Hotel Pub function room, Hanger Lane, Hanger Hill, London W5 1DP on 12 March 2020 between 4pm and 8pm.

A total of 10 feedback forms were filled out from both exhibitions. Of the ten forms received nine expressed their objections to the development. The majority of the feedback outlined concerns in relation to an overspill of parking to the surrounding streets and the impact on the local traffic. Issues were raised in relation to the height, loss of daylight, scale, stress on local services, overlooking, lack of landscaping and waste collection. The feedback also highlighted that the consultation methodology was unacceptable.

Overall the majority of the feedback was not supportive of the proposed development.

POLICY CONSIDERATIONS

Determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

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

Key policies include:

The London Plan 2016

Key policies include:

3.3 - Increasing Housing Supply

3.4 - Optimising housing potential

3.5 – Quality and Design of Housing Development

3.6 - Children and young person's play and informal recreation facilities

3.12 - Negotiating affordable housing on individual private residential and mixed use schemes

5.2 - Minimising Carbon Dioxide emissions

5.13 - Sustainable Drainage

6.3 - Assessing effects of development on transport capacity

6.9 - Cycling

6.10 – Walking

7.2 - An inclusive environment

Brent Core Strategy (2010)

CP1: Spatial Development Strategy

CP2: Population and Housing Growth

CP5: Placemaking

CP6: Design & Density in Place Shaping

CP8: Alperton Core Strategy

CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21: A Balanced Housing Stock

Development Management Policies (2016)

DMP1: Development Management General Policy

DMP 9 B: On Site Water Management and Surface Water Attenuation

DMP12: Parking

DMP 13: Movement of Goods and Materials

DMP 15: Affordable Housing

DMP 18: Dwelling Size and Residential Outbuildings

DMP 19: Residential Amenity Space

Emerging Policy Context

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. . The Hearing sessions were completed on 16th October 2020. The Council is now considering the discussions which took place, and enacting any actions which were recommended by the Inspectors in order to make the Plan and its associated documents 'sound' 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.

The draft London Plan has recently been subject to an Examination in Public, and is at the intend to publish stage.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

The Draft London Plan – Intend to Publish Version

Key policies include:

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

D13 – Agent of Change

D14 – Noise

H1 - Increasing housing supply

H4 - Delivering affordable housing

H5 - Threshold approach to applications

H6 – Affordable housing tenure

H7 - Monitoring of affordable housing

Brent's Draft Local Plan

Key policies include:

- Policy DMP1 Development Management General Policy
- Policy BP7 South West
- Site Allocation – BSWASA16
- Policy BD1 Leading the Way in Good Urban Design
- Policy BD2 Tall Buildings in Brent
- Policy BH1 Increasing Housing Supply in Brent
- Policy BH2 Priority Areas for Additional Housing Provision within Brent
- Policy BH5 Affordable Housing
- Policy BH6 Housing Size Mix
- Policy BH13 Residential Amenity Space
- Policy BE1 Economic Growth and Employment Opportunities for All
- Policy BGI2 Trees and Woodlands
- Policy BSUI1 Creating a Resilient and Efficient Brent
- Policy BSUI2 Air Quality
- Policy BSUI4 On-Site Water Management and surface water Attenuation
- Policy BT1 Sustainable Travel Choice
- Policy BT2 Parking and Car Free Development
- Policy BT3 Freight and Servicing, Provision and Protection of Freight Facilities

The following are also relevant material considerations:

National Planning Policy Framework 2019

Brent Waste Planning Guide 2013

Brent's Design Guide – Supplementary Planning Document 1 2018

Brent's S106 Planning Obligations SPD

Mayor of London's Play and Informal Recreation SPG 2012

DETAILED CONSIDERATIONS

Principal

Demolition of Existing Building

1. The existing building occupying the site is not listed nor is the application within a Conservation Area. As such there are no objections to the demolition of the building as it does not add a distinctive contribution to the character of the street scene.

Residential Led Mixed Use Development

2. The National Planning Policy Framework emphasises the provision of new homes as one of the key roles of the planning system, and this is reflected in the housing targets set out in Core Strategy Policy CP2, which aims to deliver 22,000 new homes over the 2007-2026 period. The draft new London Plan proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year. Brent's draft Local Plan responds to these targets by proposing plan-led growth and site-specific allocations concentrated adjacent to a number of Growth Areas. Emerging policy BH1 reflects the draft London Plan target.
3. Policy BP7 of the draft Local Plan identifies the continuation of residential-led mixed use development along Ealing Road intensification corridors. This site lies within the intensification corridor. As such the mixed use development can be supported at this application site. It is noted the proposal would result in the removal of the existing commercial use on site. However the proposed development would re-provide commercial space on the ground floor. Policy BP7 further highlights the importance intensification corridors play in contributing to providing homes to London. In addition to this the site allocation (BSWSA16) identifies the site being suitable for a mixed use development with residential and commercial/retail uses. It further stipulates that the loss of the majority of retail space is acceptable and the level of retail space provided should face Ealing Road. As such the development provides adequate level of commercial space that would face activate the elevation facing Ealing Road.
4. The proposal would provide 132 new homes in an accessible location along this intensification corridor. Therefore the introduction of housing in this location is supported by emerging policy context which is seeking to direct new homes within site allocations identified in the emerging Local Plan in line with Policies BP7 and BSWSA16. It is noted that the number of residential units proposed exceeds the indicative capacity of the site allocation of 80 homes, however the given the overall scale and sustainable location of the site, the density of units is considered acceptable. Furthermore, the proposed 132 new homes would contribute towards the Borough's housing targets.
5. The scheme also proposes three flexible commercial spaces (ranging from 103.97sqm to 266.03sqm) fronting on to Ealing Road and Alperton Lane. These units are to be used within use classes A1, A2, A3, B1, D1 and D2 (use class E from September 2020), Given the site's location outside of a designated town centre, it is recommended that a condition is secured for the size of any of these units to not exceed 499sqm. A dedicated community space is also proposed with a floorspace of 102.33sqm (falling within use class D1 (use class F2(b) from September 2020)) , fronting into Alperton lane. It will have its own entrance from Alperton Lane with a dedicated kitchenette and WC facilities.
6. Overall, the development is supported in principle and is considered to be appropriately compliant with key strategic policies relating to housing and employment floor space provision, factoring both adopted and emerging policies.

Relationship with Surrounding LSIS (industrial) Land

7. The sites immediately south and south west of the application are designated as Alperton South Locally Significant Industrial Site.
8. Policy BE2 of the draft Local Plan outlines that there is primary focus on retaining and encouraging

intensification of employment uses at this LSIS land within the use class B1c, B2 and B8 and closely related sui generis. This is consistent with London Plan policy, the council is seeking to ensure intensification of employment uses throughout the Borough. New residential development near to industrial land has the potential to affect the current or future operation of that land for industrial or warehousing purposes, and as such, this relationship must be carefully examined.

9. The proposed development is separated from the LSIS site on the opposite side of Alperton Lane by the road with a distance of approx. 20mm being maintained between the residential units within the development and the LSIS site. Likewise, there are residential units that face onto the neighbouring warehouse building to the west, but a minimum distance of 7.45m from the edge of the closest balcony to the boundary with the adjoining site is maintained. The noise report submitted with the application identifies that the development would not be affected by the established industrial uses within the vicinity of the application site. The local noise climate is dominated by vehicle traffic from Alperton Lane and some of the traffic would be associated with the industrial type uses in the LSIS land. The noise report has identified that appropriate glazing would be required to mitigate the noise levels from Alperton Lane. To maintain thermal comfort the proposal is seeking to include mechanical ventilation mechanism.
10. Therefore based on the above it is considered that the introduction of residential units at the site would not prejudice the ability for the businesses within the LSIS land or the industrial uses within the neighbouring site to operate in an appropriate manner. It is therefore consistent with the agent of change policy set within the emerging policies BP2 and BE2 within the draft Local Plan.

Affordable Housing and Housing Mix

Policy Background

11. Brent's adopted local Policies CP2 and DMP15 set out the requirements for major applications in respect of affordable housing provision, and stipulate 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 policy also allows for a reduction in affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). As such, it does not require all schemes to deliver 50% Affordable Housing.
12. 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.
13. The emerging London Plan (Intend to Publish Version) affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and that the following split of affordable housing provision is applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need.
14. Brent's emerging Local Plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (emerging Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. Brent draft Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.
15. Brent's draft Local Plan has yet to be examined fully by the Planning Inspectorate and as such the adopted Policy DMP15 would carry considerably more weight than the emerging policy at present.
16. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been

subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the Inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage. The policy requirements can be summarised as follows:

17.

Policy context	Status	% Affordable Housing required	Tenure split		
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (to 80% Market)	30% Intermediate	
Emerging London Plan	Greater weight	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough
Emerging Local Plan	Limited weight	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	

18. The proposal would provide the following mix of units:

	1 bed	2 bed	3 bed	Total
London Affordable Rented units	6	3	4	13
Shared Ownership units	1	5	0	6
Market Units	80	11	22	113
Total Units	87	19	26	132

19. The scheme proposes 14% affordable housing by unit (17% by habitable room) and a tenure split would be 68:32 Affordable Rent to Shared Ownership. Given that the level of affordable housing is under 50% target set out in policy DMP15, a financial viability appraisal (FVA) was submitted with the application. It was identified within the FVA that the development when comparing the Residual Land Value of the proposed development to the Benchmark Land Value there is a deficit of £11.2m. It highlights that the applicant is willing to accept a sub-market return in this case, whilst understanding the importance of providing affordable housing within the scheme.

20. The applicant's supporting financial viability assessment was robustly reviewed by consultants on behalf of the Council and this review concluded that the scheme would deliver a smaller deficit of £5.9m. This review highlights that the proposed development generates a deficit when benchmarked against the calculated site value, and the scheme is therefore delivering more than the maximum reasonable amount of Affordable Housing. The review has calculated lower benchmark site value of £7.23m in contrast to £9.18m put forward by the applicant. The proposed tenure split is weighted towards London Affordable Rent levels at 68% with shared ownership at 32%. This is a very marginal shortfall in the 70:30 split and the proposed offer is considered to represent the maximum reasonable amount of affordable offer, in accordance with adopted and emerging policy. The proposed affordable units would be located in the north western corner of the development and all units would be accessed through one core (i.e. Core C). The sensitivity analysis undertaken by the Council's consultants has demonstrated that private sale values would need to increase by 15% and construction costs would need to reduce by 10% in order to generate a residual land value greater than the benchmark land value. An appropriate post-completion review mechanism is recommended to be secured within the legal agreement to capture an additional

contribution to affordable housing should the viability of the scheme improve.

Housing Mix

21. The proposed development would result in the following housing mix of 18 x studio, 69 x 1 bedroom flats, 19 x 2 bedroom flats, and 26 x 3 bedroom flats. Policy CP2 seeks for at least 25% of units to be family sized (three bedrooms or more). Brent's emerging policy BH6 within the draft Local Plan carries forward this same target but specifies that 1 in 4 new homes should be provided as three bedroom homes. The proposal would achieve 20% family sized accommodation, with 30% of London Affordable Rented units as family sized homes. Whilst this falls short of 25% target, when balanced against the wider benefits of the proposal, including the delivery of a community space and provision of Affordable housing, officers weigh in favour of the benefits of the scheme over the shortfall in the number of family sized homes.
22. The proposed level of family sized units is considered to provide an appropriate balance between these policy objectives. Your officers consider that the proposed housing mix should be accepted on this basis.

Design, Character and Impact on the Street Scene

23. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality.
24. The surrounding area is mixed in nature with traditional two storey dwellings backing onto the northern boundary of the site. A row of two storey buildings are sited directly north east of the site facing Ealing Road. These buildings support a small row of commercial units and appear to support flats on the upper floors. A group of two and three storey residential buildings are located further east of the site. The built form further south and west of the site are industrial in nature which mainly comprise of warehouse type buildings.

Height

25. Draft policy BD2 in the emerging Local Plan relates to tall buildings. A tall building is defined as one that is more than 6m above the general prevailing heights of the surrounding area or more than 30m in height. Tall buildings are directed to the locations shown on the policies map in Tall Building Zones, intensification corridors, town centres and site allocations. In intensification corridors, the policy recommends that the general building height of 15m above ground level (approx. 5 storeys) could be acceptable. As previously highlighted the application site is designated as an intensification corridor and also forms part of a site allocation.
26. Two main blocks would be introduced that would occupy both the eastern and western sides of the site and a courtyard would be positioned in the centre of the development. The eastern block rising from four to seven storeys and the western block rising from three to seven stories (with the increased height located on Alpertons Lane and corner of Alpertons Lane/Ealing Road. These blocks would be linked to the north with a three storey element. A single storey community use structure would be located along the southern edge of the site fronting Alpertons Lane.
27. The long view townscape study provided within the applicant's Design and Access Statement illustrates that proposal has the potential to provide a landmark feature along this part of Ealing Road. Whilst the building would in parts be taller than the 5 storey height set out within the draft Local Plan, as highlighted above the majority of the height would be focused along the southern segments of the site, and away from the existing residential properties on Burns Road. The reduction in height towards the north of the development would allow for an appropriate transition and relationship when considering the height of the existing dwellings north of the site. The site also sits at the lower part of Ealing Road with the land levels gradually rising towards Alpertons Station and lowering towards Hanger Lane Station direction. The stepped approach to the building breaks up its massing and scale. The separation between both 7 storey blocks is substantial and this further breaks up the visual appearance of the height of the development.. Furthermore given the emerging height of the developments further north of the site the proposal would appear out of context within the wider area.
28. The lift overrun and stairwell at seventh floor level would be of a minimal footprint and not overly

dominant within the streetscene, and the addition of these facilities on top of the main building is common practice for such developments. The stepped approach to the building line along the eastern elevation would break up the bulk of the development when viewed from Ealing Road.

29. Overall, the proposal is considered to be of a high quality design, responding to the emerging Local Plan objectives of intensify the site for new homes and commercial uses. The benefits of the scheme are considered to outweigh the limited harm of the height exceeding 15m as set out in policy BD2.

Layout

30. The proposed building line fronting Ealing Road would be stepped and result in a gradual projection forward of the established built form. It responds to the splayed boundary on Ealing Road, and would allow for a large public realm area for pedestrian use to the east of the site. This would result in the introduction of tree planting and additional elements of soft landscaping, providing an enjoyable environment for pedestrians.
31. At ground level on the Alperton Lane frontage, the building is stepped back at least 5m from the back edge of the pavement (along this reduced down to 3.45m between the community building and loading bay). The upper floors overhang the ground floor and project closer to the Alperton Lane frontage but sit within the site boundaries. A sense of openness is still maintained when viewed from pavement level, and it is considered that this overhanging element would not have a harmful impact when viewed from street level.
32. Flexible commercial space would be introduced at ground floor level and would incorporate attractive glazed frontages. This design approach would provide active frontage facing Ealing Road and in turn would benefit this part of Ealing Road. Elements of the commercial space would wrap around the building and would face Alperton Lane. The proposed community centre would be situated to the south allowing degree of a visual connection between the courtyard and Alperton Lane. The design of this structure would also utilise large panelled glazing to the frontage creating a harmonious relationship.
33. The majority of units would be accessed from the Alperton Lane via the a gate from Alperton Lane which would lead to the central courtyard. There would be a sense of arrival to the entrance along Alperton Lane and clear legibility within the central courtyard. All communal space proposed would be easily accessed and overlooked. The proposed parking would be tucked away to the rear and would not be visible from the street scene. A refuse collection point would be located at north western portion of the site. Plant, refuse/recycling and cycle storage are located centrally at each core.
34. The western elevation would maintain a 9m separation distance with the flank boundary treatment with the adjacent site. This elevation would resemble the appearance of a mews style design with ground floor units having an entrance and in some instances have access to a private garden. This area would be gated off and provide access to the rear parking, refuse vehicles and additional service vehicles. The access way would not over dominant this portion of the site given the level of soft landscaping proposed. This would create a pleasant environment for residents gaining access to their properties situated to the west of the site. Having residential entrances sited here would create general activity and would benefit this area of the development.

Architecture and Materially

35. SPD1 states that the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character.
36. The new build would comprise of a finish in charcoal, sand tone and tan tone brick with dark grey metal panelled façade detailing. The variation of materials to each elevation adds further distinction to each elevation and further articulates the stepping in massing. The varied range of materials adds a diversity to that would benefit the development and the street scene. The Design and Access Statement submitted with the application provides general samples of the materials proposed and these are considered acceptable in principle.
37. Overall, the building would be of a high-quality design and contain a contemporary design that would benefit from positive architectural features. The proposed materials are considered satisfactory and would complement the area. However, further details including samples of the external materials are recommended to be secured as a condition.

Impact on Neighbouring Occupiers

Separation Distance and Privacy

38. Any development are required need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m between directly facing windows and 9m to boundaries should be maintained.
39. The main elevation of the northern elevation of the site would maintain a separation distance of 10.9m to 12.6m to the boundary with the rear gardens on Burns Road. The sites are separated by an access way. It is noted that the balconies facilitating Units 01.20 and 02.20 would fall just short of 9m to the boundary with the rear garden of No. 9 Burns Road (8.81m). This is a marginal shortfall and would not be considered to unduly comprise the privacy of the occupants of this address.
40. In relation to 18m separation distance between directly facing rear habitable room windows, there are a number of instances where the separation between the proposed building and the properties on Burns Road is less than 18m (Nos. 6 to 10 Burns Road) when measured from their ground floor rear habitable room windows. The worse affected is No. 9 Burns Road with a separation distance of 14.35m between directly facing windows within the development and the ground floor rear extension at No. 9 Burns Road (reduced to 12.14m when measured from the edge of the balcony). This is as a result of the shallow depth of gardens of the properties on Burns Road and varying depth of extensions added to these properties bringing their rear windows at ground floor closer to the boundary and within 9m of the rear boundary. At first floor level from the original outriggers a separation distance of 19m is maintained which complies with SPD1. Furthermore, given that overlook would only occur at first floor level and above, direct overlooking would take place to the upper floor windows of the properties on Burns Road where as overlooking to the ground floor windows would be at a splayed angle. Overall, it is considered that whilst there will be loss of privacy and overlooking to the occupiers of the properties on Burns Road, the degree of overlooking is considered to be within reasonable limits given the relationship between the sites.
41. In relation to No. 414 Ealing Road, the scheme does not include any sole facing habitable room windows on the flank elevation. As such, it does not rely on outlook over No. 414 Ealing Road. The northern link block maintained a separation distance of 9m to the service yard of No. 414 Ealing Road, and thus would not prejudice it from coming forward for redevelopment in the future.

Overbearing Appearance

42. SPD1 sets out that new developments should normally sit within a line drawn at 30 degree from the nearest rear habitable room window of adjoining development (measured at 2m high from internal floor level) and site within a line drawn at 45 degree from the neighbouring private rear garden area (measured at 2m above garden level). SPD1 further highlights The 2:1 rule for two storey extensions for commercial developments next to residential as well as between residential developments.
43. Section plans have been submitted that show the relationship of the building in relation to the properties on Burns Road. This has considered both the 30 and 45 degree angles. The plans demonstrate that the scheme sits within both the 30 degree line from the nearest rear habitable room windows of the properties on Burns Road and the 45 degree from the edge of the rear gardens. A 30 degree angle was taken from the worst case scenario from No. 9 Burns Road which has a substantial rear extension. A minor infringement of approximately 1.1m would occur in relation to the upper portions of the 3 storey element and the 5 storey element positioned along the northern parts of the site. The majority of the infringement would relate the screening for the proposed roof terrace gardens. This slight infringement is considered negligible and the overall relationship achieved is not considered to have negative impact on the occupiers of this property. The proposal would comply with the 30 degree angle taken from the additional properties along Burns Road.
44. The northern part of the of the eastern block would be within close proximity to the 414 Ealing Road which includes a commercial unit on the ground floor and a residential unit on the upper floor. Therefore 2:1 rule is taken into consideration to assess the relationship with the residential unit located on the upper floor of 414 Ealing Road. This neighbouring property contains a first floor rear projection and the side elevation of the proposal would be situated approximately 2.4m from the side elevation of this first floor projection. The proposal would extend beyond the rear elevation of this neighbouring projection by approximately 3.4m. The proposal would therefore fail to comply 2:1 rule, however SPD2 outlines that development should not interfere with a habitable room window (this includes kitchens but excludes

bathrooms, storage cupboards etc). During the course of the site visit it was noted that this window is obscured glazed and appears to serve a bathroom. Therefore this relationship is considered satisfactory.

45. Nevertheless, the impact of the proposal upon daylight and sunlight to neighbouring sites does need to be considered and this is discussed below.

Daylight and Sunlight

46. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.
47. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
48. However, the BRE also recognises that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF 2019 also supports a flexible approach to applying standards in order to make efficient use of sites.
49. A sunlight and daylight assessment was provided with the application assessing the impact on the neighbouring properties within the vicinity of the application site. It tested Nos. 1 to 16 Burns Road, 406 – 408 Ealing Road, 412 Ealing Road, 1-2 Riverside Gardens and 1-23 Sundew Court.
50. The report concluded that 1 – 3 Burns Road, 15 and 16 Burns Road, 406 – 408 Ealing Road, 412 Ealing Road, and 1-2 Riverside Gardens, fully complied with BRE guidelines, and would not result in any material changes to daylight or sunlight as a result of this development.

Properties on Burns Road and 1-23 Sundew Court

Daylight and Sunlight

51. A number of properties on Burns Road (Nos. 5 to 14) and windows in Sundew Court, would experience a reduction in daylight beyond BRE guidelines in relation to either VSC or NSL. A number of habitable rooms would experience a reduction in VSC by up to 32.8% compared to the existing situation, and NSL by up to 59%. This is considered to be acceptable given the context of the site and the site allocation.
52. A summary of the affected rooms is set out below:
- 13 Burns Road - R1/F00 - habitable room served by two windows - one would continue to meet BRE guidance for VSC and the other window would experience a reduction of 25% in VSC retaining an actual figure of 22%. NSL will also be reduced by 29%
- 12 Burns Road - R1/F00 - habitable room served by two windows - reduction to both windows, with . NSL would also be reduced by 46%.
- 11 Burns Road - R1/F00 - habitable room to experience reduction in VSC by 27%. Actual retained value would be 23%. NSL reduced by 59%.
- 10 Burns Road - R1/F00 - habitable room to experience 28% reduction in VSC to both windows. Each window to retain actual VSC value of 21%. NSL to the room reduced by 47%.
- 9 Burns Road - R1/F00 - habitable room to experience reduction in VSC by 30/31% for both windows. Each window to retain actual VSC value of 21%. NSL reduced by 59%.
- 8 Burns Road - R1/F00 - habitable room to experience a reduction in VSC by 24%, with actual retained VSC value of 22%. NSL reduced by 50%.
- 7 Burns Road - Whilst VSC would continue to meet BRE guidelines for the habitable room, NSL

would be reduced by 54%

6 Burns Road - R2/F00 - habitable room to experience a reduction in VSC by 22% with an actual retained VSC value of 24%. NSL reduced by 36%

5 Burns Road - Kitchen to meet BRE guidance for VSC but reduction in NSL by 27%.

R1/F01 at No.14 Burns Road is considered to be a habitable room and is served by two windows. VSC to one window will experience a 33% reduction in VSC but the remaining window will comply with BRE guidelines. However the change to

53. Windows W8/F00, W9/F00 and W6/F01 at Sundrew Court would see changes between 27% and 30%. This would not comply with BRE guidance however the majority of daylight changes are in the lower brackets of 20-25%. NSL would be reduced by 22 to 45%. As such the proposal would retain suitable levels with the majority of windows at Sundrew Court and on balance it is considered that the proposal is acceptable as the majority of breaches will not exceed the BRE guidance significantly.

54. All rooms surrounding properties continue to receive sunlight in accordance with BRE guidelines.

Overshadowing to Rear Gardens

55. There are a number of cases where overshadowing to the gardens on Burns Road would occur, which increased the amount of garden that will experience a loss of direct sunlight beyond 2 hours for 50% of the garden area by over 20% from the existing situation. This relates to Nos. 4, 5, 7 and 9 Burns Road. In the worse the reduction is up to 40% for No. 7 Burns Road. It should be noted that the existing garden only received 2 hours direct sunlight to around 1% of its total area, and this would be reduced to 0.8% (40% change). However there is only a small area in the existing garden that sees two hours direct sunlight, and the resulting reduction would not be considered to materially alter how the space is used.

56. Overall, whilst it is noted that there are minor failings in relation to daylight of some of the nearby properties on Burns Road and overshadowing to some the gardens on Burn Road, the reduction are considered reasonable given the nature of the site, the urban context of the area and allocation of the site. On balance, the impact to the neighbouring properties is acceptable in the context of the wider benefits of the scheme.

57. Furthermore at paragraph 123 of the National Planning Policy Framework (NPPF), it is stated that “when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.

58. Given the site allocation which envisions a dense development and the surrounding sites have been factored into account and the relationship is considered satisfactory. As a result there is some expectation for the development not to fully comply with the daylight and sunlight guidance given that site forms part of an intensification corridor where by additional height is expected when taken into consideration the surrounding context.

Quality of Accommodation

Daylight + Sunlight

59. A daylight and sunlight report was submitted with the application assessing the internal arrangement of the proposed residential units. The Annual Daylight Factor has been used to analyse the proposed units. The BRE guidelines outlines the following ADF levels recommended for habitable room uses; 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

60. The assessment reviews internal daylight of the most sensitive properties given certain units orientation facing the courtyard which have the potential to be self impacted due to the projecting wings however as discussed in greater detail below these properties would achieve the required Average Daylight Factor (ADF) levels.

61. There are no stand alone kitchens associated with the proposed units. The majority of kitchen areas would be linked by a living room area that receives good levels of light. It is noted that some units would fail as certain windows would be located beneath balconies, however this is considered acceptable given the amenity value these balconies would provide to the each of the proposed units. These windows were

assessed while removing the balconies and it is noted that there would be a slight shortfall in ADF. The proposed materials used would allow natural reflectance to the proposed units.

62. The information submitted demonstrates that the proposal would not significantly fall short of the BRE Average Daylight Factor targets. Whilst not all rooms will receive ideal levels of sunlight, the BRE guide does not give mandatory requirements for sunlight availability. The marginal shortfall is considered satisfactory given the overall quality of the proposed accommodation.
63. Overall, the internal configuration and layout of each flat provides sufficient outlook and access to daylight.

Floorspace Requirements

64. DMP18 outlines that the size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. This is also set out in draft policy D6 of the emerging London Plan.
65. A large proportion of the new homes meet or exceed minimum space standards as required by the above policy. There are however a small number of number of the new homes (7 in total) that fall very marginally below minimum internal space standards, by less than 1sqm. These are mainly within the smaller units (one and two bedrooms homes) and within all tenures. Nevertheless these units still meet minimum space standards for the single and double bedrooms, and the marginal shortfall by 1sqm is not considered significant to result in a poor level of accommodation for the proposed scheme.
66. Cores B, C and D would not support more than 8 individual units which complies with London Plan. It is noted that the first floor to fifth floor at Core A would support 9 units the overspill of one unit of the preferred 8 units per core is not considered detrimental to the future occupants. This would not have negative impact on social cohesion on each of these floors. Therefore the overall objectives of the Mayor's Housing SPG.

Aspect

67. The configuration of the proposed new homes would minimise single aspect north facing units (2 no. one bedroom flats within the northern link block). It is noted that units 01.16 and 02.16 would incorporate a single aspect arrangement facing north however this is minimum number when considering the internal configuration of the units of the overall scheme There are a number of single aspect east and west facing homes. The proposal equates to approximately 35% single aspect units, however these units would result in good outlook as a separation distance between the blocks east and west of the courtyard would be 25m. Furthermore the units along western elevation of the site would not be blocked significantly by any built form. The units would have access to satisfactory levels of daylight and given the internal configuration the levels of outlook for these units would be satisfactory.

Accessibility

68. Policy 3.8 of the London Plan states that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'. Draft London Plan policy D7 further emphasises this Building Regulation requirement. The development has been designed so as to be step-free with level access from the external environment for residents and visitors through clearly visible and identifiable entrances from the public realm.
69. The scheme has been designed to inclusive design and access standards for the approaches, communal circulation and interiors of the dwellings (subject to detail design) have been designed in accordance with Building Regulations Part M4(2) 'accessible and adaptable homes' with 13 units designed to Building regulations M4(3) 'wheel chair accessible homes standards' and the Building Regulations Part K (accounting for over 10%). As such, this is in line with policy 3.8 of the London Plan which seeks 10% of homes in major developments being adaptable for use by disabled residents.

Privacy

70. In terms of privacy between blocks, a distance of 20m is maintained between balconies overlooking the central podium garden. Screening is recommended to be secured by condition to prevent overlooking

between adjoining balconies.

71. It is noted that units 01.19 and 02.19 would contain bedroom windows that would be sited within close proximity to the balconies associated with units 01.18 and 02.18 which would require appropriate screening. This relationship is considered acceptable given that the lounge area would have appropriate levels of outlook and aspect. Furthermore, the lounge area would have access to private balcony and as a result the overall internal layout of these units are considered satisfactory. The proposed floorspace of these subject units would exceed the London Plan floorspace requirements.
72. At ground floor level, a landscape buffer is provided between the ground floor units and the parking area, to provide a sense of separation and maintain privacy. The new homes facing the car park are dual aspect, and these also face onto the communal garden. Allowing habitable room windows onto the car park and access road would provide the benefit of natural surveillance.

Amenity Space

73. DMP19 and BH13 outlines that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats). New developments should provide private amenity space to all dwellings. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be supplied in the form of communal amenity space.
74. In line with policy DMP19 and emerging policy BH13, the scheme would be required to provide a total of 2,640 sqm of amenity space (i.e. 132 x 20sqm) The proposal would not incorporate any three bedroom units on the ground floor. The policy states that this should be private external amenity space per unit but recognises that in denser schemes this can be difficult to solely achieve through private amenity space, and allows the shortfall to be offset through communal amenity space. The proposal would result in each unit having access to private amenity space via private balcony or private terrace at ground floor level, that has a minimum of 5sqm with a depth of 1.5m as required by the London Plan. To offset the shortfall, a courtyard on the ground floor would be provided followed by terraces on the third and sixth floors.
75. Each Core (A, B, C + D) would have access to have access to certain roof terraces. Cores A and B would have access to the roof terrace on the sixth floor (Roof Terrace 1). Cores B + C would have access to the roof terrace on the third floor (Roof Terrace 2). In addition to this Core D would have access to a roof terrace on the sixth floor (Roof Terrace 3). All units would have access to the courtyard located in the middle of the site and this amounts to 630sqm. A percentage of space from the courtyard has been proportioned to each core based on the number of units associated with each core. This approach has also been taken into consideration for the cores that share any roof terrace space. Core C would comprise of the proposed affordable units and the additional Cores would occupy the additional private units.

Amenity Space Breakdown

Core	Amenity Space required	Cumulative private amenity Space Provided	Cumulative shortfall in private amenity space	Communal Courtyard Allocation	Roof Terrace	Total	Total cumulative Shortfall
A	980 sqm (49 units x 20 sqm)	314 sqm	666 sqm	233 sqm (37% Courtyard)	331 sqm (61% Roof Terrace 1)	564 sqm	102 sqm
B	620 sqm (31 units x 20 sqm)	170 sqm	470 sqm	145 sqm (23% Courtyard)	212 sqm + 255 sqm (39%)	612 sqm	No Shortfall

					Roof Terrace 1 + 63% Roof Terrace 2)		
C	360 sqm (18 units x 20 sqm)	149 sqm	225 sqm	88 sqm (14% Courtyard)	150 sqm (37% Roof Terrace 2)	238 sqm	No Shortfall
D	680 sqm (34 x 20 sqm)	265 sqm	415 sqm	164 sqm (26% Courtyard)	235 sqm (100% Roof Terrace 3)	399 sqm	16 sqm

76. As highlighted above the shortfall in external amenity space across the scheme is 118 sqm which is minor in comparison to the policy target. Each new home would have access to the private amenity space via balconies and would have entry to good quality communal amenity space. In addition to this, Alperton Sports Ground is within close proximity to the site where there are numerous recreational facilities. It is anticipated for a slight shortfall given the overall scale of the development however the minor shortfall identified above is not considered significant. It is considered that amenity space provision has been reasonably maximised across the development, utilising all rooftops where possible. It is therefore considered that such a shortfall should be accepted given that the wider benefits of the scheme and that the development proposal is within a site allocated for residential development.

Play Space

77. Policy 3.6 of the adopted London Plan requires that on site play space is provided to service the expected child population of the development. These requirements are carried through within the emerging London Plan under policy heading S4.
78. A total of 390 sqm of the communal space would be allocated for playspace for children aged between 0-11 which would exceed the GLA requirement of 383sqm based on the population yield calculator. Natural play elements are integrated into the courtyard design focused on the central greenspace. Doorstep playspace is featured around the edges of the central space for 0-5 year olds with play for the 5-11 years old age group in the centre. In addition to this a playground is also located at the Alperton Sports Grounds which is walking distance from the application site.

Transport and Highway Considerations

79. Alperton Lane is a local distributor road, from which the site is accessed. There are double yellow lines from Ealing Road to the vehicle access and single yellow lines across the vehicle access up to 15m beyond it. On-street parking is currently unrestricted beyond this. The site has a PTAL rating of 5.

Parking

80. The proposal would include 15 parking with four of these spaces designated as disabled spaces which would be 3% from the outset. 12 spaces can be reconfigured to provide additional disabled parking which would exceed the 10% requirement. These spaces would be secured as part of a condition as part of any consent. Based on Development Management Standards the maximum allowance on site is 110 spaces. According to census data for flats the car parking demand is less than 0.5. The site contains a PTAL rating of 5 and therefore the proposal would meet the Development Management Plan's standards for car free. Furthermore emerging Policy T6 of the draft London plan outlines the importance for new development proposals to be car-free while seeking to utilise more sustainable forms of transportation and promote less reliance on cars throughout London. The level of parking spaces proposed is within the maximum parking standards. In order to address mitigation from overspill parking, a contribution of £70,000 towards the consultation and implementation of a controlled parking zone within the vicinity of the site would be secured through the Section 106 Agreement. The removal of parking permits for future residents would also be secured within the Section 106 Agreement. There is no requirement to provide car parking for the commercial uses or the community use, given the accessible location of the site.

Three of the car parking spaces would be utilised as electrical charging points. This would be secured as a condition to any forthcoming planning consent.

Cycle Parking

81. The proposal would require 212 long-term spaces cycle spaces based on the draft London Plan requirements. The proposal would provide a total of 216 spaces in three cycle stores located on the ground floor. The residential units require four short-stay spaces, with a further 14 or so spaces required for the non-residential floorspace. Sixteen 'Sheffield' stands (32 spaces) are proposed along the Ealing Road and Alperton Lane site frontages to more than satisfy this requirement. The cycle parking will be secured as a planning condition.

Servicing

82. The proposal would require 212 long-term spaces cycle spaces based on the draft London Plan requirements. The proposal would provide a total of 216 spaces in three cycle stores located on the ground floor. The residential units require four short-stay spaces, with a further 14 or so spaces required for the non-residential floorspace. Sixteen 'Sheffield' stands (32 spaces) are proposed along the Ealing Road and Alperton Lane site frontages to more than satisfy this requirement.

Servicing

Refuse:

83. Each core has its own refuse store, which provides ease of access for the residents to the stores. However, these would be located more than 10m carrying distance from the vehicle for refuse operatives. The applicant proposes to overcome this issue by employing a waste management team to transport the bins from the stores to a refuse holding area in time for the weekly refuse collection. This holding area will be located in the north-western corner of the site and a tracking diagram has been provided to show that a refuse vehicle can access and egress the site in a forward gear by reversing into this holding area. The tracking diagrams demonstrate that an appropriately sized vehicle can access and egress the site in a forward gear. The refuse vehicle will enter the site to collect the waste from the dedicated collection area. This arrangement is therefore considered satisfactory, however a waste management plan has been conditioned.

Servicing:

84. The commercial units would also require servicing and a Delivery and Servicing Plan has been submitted that indicates that the commercial elements of the proposal would result in a demand of four vehicles per day. These will be expected to be pre-booked, whilst the plan also confirms that a concierge will be provided for the residential units to manage deliveries.
85. A loading bay would be located along Alperton Lane which is positioned satisfactory distance from the flexible commercial unit. The Transport Officer raised no objections to the location of the loading bay and this would support the appropriate vehicle for servicing the commercial units.

Transport Impact

86. The Transport Assessment has used surveys of a number of other residential, retail and gym units in outer London to predict likely future trip numbers. This exercise produces estimated trips totalling 14 arrivals/66 departures in the morning peak hour (8-9am) and 39 arrivals/23 departures in the evening peak hour by all modes of transport.
87. On the basis that an average of 28% of trips would be by car drivers, the number of vehicular trips have been calculated as 4 arrivals/18 departures in the AM peak and 11 arrivals/6 departures in the PM peak. Whilst the am peak hour movements would be additional to the network, it should be noted that the estimated pm peak hour vehicular trips are lower than the existing movements into and out of the retail store at present, so represent a reduction in flows on the local road network.
88. A Transport Assessment that Brent commissioned in 2016 for the Alperton Housing Zone (AHZ) indicated that the adjoining priority junction of Alperton Lane and Ealing Road would require minor widening to provide capacity improvements in the pm peak hour, with a predicted ratio of flow to capacity (rfc) value of 0.86 in the pm peak hour for the year 2026 once the redevelopment of the area is built out

(the maximum recommended rfc value is 0.85). The AHZ assessment therefore recommended securing of a strip of land from this site to allow the junction to be widened.

89. Developments that have been approved in the Alpertons area since the AHZ Transport Assessment was written have tended to provide less parking than had been assumed and therefore generate less vehicular movements. Taking these factors into account, Brent's transport officers have re-run the model for this junction with the reduction in traffic flows and this has produced a maximum rfc value of 0.82 for the weekday peak hour. On this basis, the suggested works to widen the junction are no longer considered necessary and would in any case be detrimental to pedestrian movement across the Alpertons Lane junction.
90. It is noted that this development would result in an increase in am peak hour vehicular trips through the Alpertons Lane/Ealing Road junction. However, the AHZ Transport Assessment indicated that there is plenty of spare capacity at the junction in the morning peak hour to accommodate this increase in flows.
91. For public transport, the development is estimated to generate 3 arrivals/12 departures by bus in the am peak hour and 7 arrivals/4 departures in the pm peak hour. Combined rail and tube trips are estimated at 5 arrivals/22 departures in the am peak hour and 13 arrivals/8 departures in the pm peak hour. This amounts to less than one additional passenger per bus and tube service in the vicinity of the site, so is not considered to have any noticeable impact on service capacity.
92. The applicants have submitted a Travel Plan setting out measures to try to minimise the number of car trips made to and from the development and to increase 'active' travel.
93. The Travel Plan includes a number of measures, particularly centred around promotion and publicising of options, to be implemented by a Travel Plan Co-ordinator. One of these measures is the promotion of local Car Clubs, with a proposal being included from Zipcar to promote its local car club network to future residents and offer them three years' free membership. Given the number of vehicles operating in the area already, Zipcar does not propose to base a vehicle at the site, although this could be reviewed in the future if use of vehicles is high enough. The Travel Plan will be monitored using the TRICS survey methodology over a five year period and this is welcomed. The Travel Plan is therefore considered acceptable and this would be secured through the Section 106 Agreement.

Other Matters:

94. A Healthy Streets Assessment was submitted with the application and it was highlighted that the adjoining streets are heavily trafficked with certain pinch points along the footways due to the bus shelters. However the overall score is satisfactory given the nature of the area. Improvements would be made to the site frontage. The improvements to the pathway facing Ealing with the introduction of soft landscaping would benefit pedestrians using this pathway.
95. A Construction Logistics Plan in compliance with TFL would be required and this has been recommended via a condition. These details are required to demonstrate what impacts construction will have on the highway, including the numbers type and routings of construction vehicles, where they will park and how they will access the parking areas.
96. A S106 obligation would be required for S38/278 Agreement is entered into for the construction of the loading bay and alterations to the access point to the south west of the site. Further S278 works would be required in order to make the junction of Alpertons Lane with Ealing Road more pedestrian and cyclist friendly. Furthermore the works would be required to remove all redundant accesses to the site and to resurface the footways of Alpertons Lane and Ealing Road along the site frontages.

Tree Consideration, Landscaping Provision and Urban Greening

97. The Design and Access Statement submitted with the application reveals that the applicant is seeking to include soft landscaping and planted trees along the public realm facing Ealing Road which as outlined above would assist in greening the street. Additional landscaping would be incorporated along the western parts of the site. A series of upper floor terraces would also be featured, along with the central courtyard which provides large amounts of green space. No trees would be lost on site and proposal would result in additional planting of trees which would benefit the area. This would result in an overall increase of 17 trees on site that would be located along the public pathway facing Ealing Road, the central courtyard and the access way west of the site.

98. An Arboricultural Report was submitted with the application. There is a group of low quality sycamore (T2, T3 and T4) growing just outside the western boundary. Alongside Ealing Road, to the east of the site, there are three semi-mature lime. No trees are proposed to be removed. Adequate areas of shrub bed have been provided which will allow retained trees to reach their potential. Protection measures have been specified to protect the Root Protection Area of all retained trees. Overall the arboricultural impact of this development on existing trees will be minimal. The Tree Officer reviewed the information submitted and was satisfied with the findings of the report.
99. Detailed plans of the landscaping's individual features will be secured through a landscaping condition.

Sustainability

100. Policy 5.2 of the adopted London Plan and draft policy SI 2 of the Intend to publish London Plan require major developments to achieve carbon savings beyond the requirements of Building Regulations. These are referred to as 'be lean' (fabric efficiency), 'be clean' (clean source of energy supply) and 'be green' measures (use of renewable energy technologies). A zero carbon development is ideal, however the policies acknowledge the practical difficulties of this and allow for a minimum of 35% improvement beyond minimum Building Regulations requirements with the remaining regulated carbon emissions being financially offset instead. Policy SI 2 stipulates that at least 10 points of the 35 point minimum saving must be from 'be lean' for the domestic part of the development whilst at least 15 points of the 35 point minimum must be from 'be lean' for the non-domestic workspace part of the development.
101. An Energy and Sustainability report has been submitted with the application. A 'Lean, Clean, Green' has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 64.15% beyond Part L 2013 standard, through the adoption of high standards of insulation, heat pump driven heating/hot water systems, heat recovery ventilation systems and a roof mounted PV array. The roof would accommodate 58 PV panels facing south. The most suitable solution to meeting reduction in CO₂ emissions would be via the use of heat pump technology for the generation of heating & hot water. The offset payment shall cover a 30 year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment will be secured through a legal agreement to any forthcoming consent. With the modelling provided, a payment of £90,180 would be secured for this purpose.
102. Brent's adopted CP19 policy and draft BSUI1 policy require all major non-residential development (i.e. non-residential floor space in excess of 1,000sqm) to achieve a BREEAM standard of 'Excellent'. The proposal would contain approximately 620sqm of commercial space and therefore is not subject to this policy requirement. The commercial units would be mechanically ventilated, utilising heat recovery systems.
103. The development minimise water use as far as practicable by incorporating appropriate water efficiency and water recycling measures. The applicants will ensure that all dwellings meet the required level of 105 litres maximum daily allowable usage per person.
104. The proposal would utilise mechanical ventilation systems with heat recovery combined with an air tight construction. It has been outlined that the use of a fully natural ventilation strategy is not considered appropriate and the associated noise ingress could conflict with the requirement to protect the viability of the adjacent uses. The residential spaces are to utilise a low energy mechanical ventilation strategy, with opening windows for additional purge ventilation.

Environmental Considerations

105. A Noise Impact Assessment has been submitted with the application. The south and east facades on Ealing Road and Alperton Lane will experience high levels of road traffic noise. Bedrooms and living rooms on these facades will require enhanced acoustic specification glazing in order to achieve suitable internal noise levels. The noise report outlines that windows would to be openable for occasional purge ventilation and additional ventilation mechanisms would be used to mitigate any overheating. The energy statement submitted with the application identifies that the proposal would utilise mechanical ventilation throughout the entire development.
106. An assessment of noise vibration generated from potential gym equipment on the ground floor has been carried out. It is concluded that a suitable impact-isolating gym flooring will be necessary to control vibration impacts. Furthermore suitable airborne sound insulation between the gym and all

residential units would be used. The external plant areas would include acoustic screens.

107. A condition will be applied requiring the development to be implemented in accordance with the details of the noise impact assessment and for evidence of the mitigation measures implemented to be submitted.
108. The proposed site is within an air quality management area and London Plan policy 7.14 is relevant. An Air Quality Assessment has been provided with the application. The Environmental Health Officer reviewed the information and was satisfied with the information provided. The results indicate that the redevelopment of the site would not result in a significant impact on local air quality, and that no mitigation measures are required in terms of health risk to future residents due to exposure to of high levels of concentrates of pollutants, as the new homes facing Ealing Road and Alperton Lane are located above ground floor level and within the recommended levels of exposure of NO₂ concentrations.
109. The works would implement a Dust Management Plan to effectively minimise any potential impact to nearby properties. Traffic generated by the proposed development is not expected to significantly affect local air quality. Heat and hot water will be supplied to the mixed use development through a centralised electrically driven heat pump systems, generating zero local NO₂ and PM pollution. The building related emissions would be air quality neutral.

Construction Noise and Dust

110. The development is within an Air Quality Management Area and located very close to residential premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. The applicant will need to submit a construction management plan to set out how external environmental impacts from construction processes will be minimised. This will be secured by condition. Furthermore, a condition governing the need for non-road mobile machinery to meet reasonable emission limits is also recommended to be applied to the decision.

Contamination Land

111. The site and surrounding area has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. The applicant has provided a desk top study undertaken and Environmental Health Officer reviewed the document. The findings highlighted that a site investigation is required. Conditions are recommended requiring an investigation of land contamination to be carried out following demolition of the buildings on site. The findings will need to be submitted to the Council through a condition. Based on the findings, a remediation strategy may be necessary and a condition will require that the means of remediation are demonstrated.

Lighting

112. Any new lighting at the proposed site should be installed considering existing homes and buildings. The new development must not give rise to light or other nuisance to nearby residents. A condition will require that, should external lighting be installed, details of the lighting, including a measure of lux levels, is submitted and approved by the Council – this will be incorporated as part of the landscaping condition.

Flooding and Drainage

113. London Plan Policy 5.13 and Brent Policy DMP9B require sustainable drainage measures to be implemented as part of major developments. Draft London Plan policy SI12 states development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy BSUI4 of the Draft Local Plan highlights the importance of a good drainage strategy.
114. A Drainage and SuDS Strategy Report was submitted with the application. The site is located within a Flood Zone 1 area and therefore would have little risk of flooding. The proposed SuDS design strategy provides mainly source control techniques of green roof / blue roof and permeable paving with rain water harvesting techniques appropriately designed at detail design stage. The SUDS strategy would mitigate the surface water risk on site. The report further provided a maintenance management plan that should be considered throughout the lifetime of the development.
115. Surface water will be discharged into the existing Thames Water surface water sewer network directly adjacent to the proposed development in Alperton Lane. Thames Water were consulted during

the course of the application and raised no objections. Conditions were requested in relation to the works tied to the subsurface potable water infrastructure and a detailed piling method statement.

Equalities

116. 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

117. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions and completion of a Section 106 Agreement.
118. The development would provide a suitable and attractive built addition along the Ealing Road intensification corridor, providing an appropriate transition with the established residential properties within the locality. Whilst the development would incur some limited level of harm to the daylight and sunlight enjoyed at neighbouring properties, a balance has to be struck between different planning objectives, and the provision of a significant quantum of new homes (including affordable homes) and a community use is a significant planning benefit that carries significant weight. Whilst the scheme does fall marginally short on external amenity space targets set out in Policy DMP19 and draft Policy BH13, the quality of accommodation is considered to be good and this would be mitigated through its proximity to Alpertown Open Space.. As such, the conflict with adopted and emerging policy is limited and would be outweighed by the wider benefits of redeveloping the site for affordable housing.
119. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions and a Section 106 obligation.

CIL DETAILS

This application is liable to pay **£3,519,468.28** * 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): 1806 sq. m.

Total amount of floorspace on completion (G): 11986 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	11378		9663.61	£200.00	£0.00	£2,881,826.82	£0.00
(Brent) Shops	506		429.76	£40.00	£0.00	£25,632.00	£0.00
(Brent) Non-residential institutions	102		86.63	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	11378		9648.9	£0.00	£60.00	£0.00	£585,951.16
(Mayoral) Shops	506		429.1	£0.00	£60.00	£0.00	£26,058.30
(Mayoral) Non-residential			0	£0.00	£60.00	£0.00	£0.00

tial institutions							
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BCIS figure for year in which the charging schedule took effect (Ic)	224	330
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£2,907,458.82	£612,009.46

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 20/1683

To: Ms Barrett
Maddox and Associates Ltd
68 Hanbury Street

London
E1 5KL

I refer to your application dated **10/06/2020** proposing the following:

Demolition of existing building and redevelopment of the site to deliver a building of between three and seven storeys in height comprising residential homes and flexible commercial space, with associated outdoor communal amenity space at courtyard and roof levels, widened pavement along Ealing Road and Alperton Lane to accommodate new outdoor public space, car parking, cycle storage, refuse storage, hard and soft landscaping and plant

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

at **416 Ealing Road, Wembley, HA0 1JQ**

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: 05/01/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

Adopted Policy

- 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 – 2020)

- 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):

Plans: _

ALP-PDP-ZZ-ZZ-DR-A-01_000, ALP-PDP-ZZ-ZZ-DR-A-01_001,
 ALP-PDP-ZZ-ZZ-DR-A-02_000 (Dated 16/11/2020), ALP-PDP-ZZ-ZZ-DR-A-02_001
 (Dated 16/11/2020), ALP-PDP-ZZ-ZZ-DR-A-02_002 (Dated 16/09/2011)
 ALP-PDP-ZZ-ZZ-DR-A-02_003 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_004
 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_005 (Dated 16/09/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_006 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_007
 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_008 (Dated 16/09/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_009 (Dated 16/11/2020), ALP-PDP-ZZ-ZZ-DR-A-02_020
 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_021 (Dated 16/09/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_022 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_023
 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_024 (Dated 16/09/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_025 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_026
 (Dated 16/09/2020), ALP-PDP-ZZ-ZZ-DR-A-02_100 (Dated 12/05/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_101 (Dated 12/05/2020), ALP-PDP-ZZ-ZZ-DR-A-02_102
 (Dated 12/05/2020), ALP-PDP-ZZ-ZZ-DR-A-02_103 (Dated 12/05/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_200 (Dated 16/11/2020), ALP-PDP-ZZ-ZZ-DR-A-02_201
 (Dated 16/11/2020), ALP-PDP-ZZ-ZZ-DR-A-02_202 (Dated 12/05/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_203 (Dated 16/11/2020), ALP-PDP-ZZ-ZZ-DR-A-02_300
 (Dated 12/05/2020), ALP-PDP-ZZ-ZZ-DR-A-02_301 (Dated 12/05/2020),
 ALP-PDP-ZZ-ZZ-DR-A-02_707 (Dated 12/05/2020), ALP-PDP-ZZ-ZZ-DR-A-02_600
 (Dated 12/05/2020), 33287_01_P (Dated 12/05/2020), 33287_02_P (Dated

12/05/2020), 33287_03_E (Dated 12/05/2020), 33287_04_E (Dated 12/05/2020), 33287_05_S (Dated 12/05/2020), ITL14664-GA-006 REV. D, ITL14664-GA-005 REV. D, ITL14664-GA-012 REV. B, 10760-LD-PLN-200 E

Information Submitted:

Air quality assessment by eb7

Arboricultural Impact Assessment by SJ Stephens Associates

Drainage / SuDS strategy report by eb7

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

- 3 The scheme hereby approved shall contain 132 residential homes as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The development hereby approved shall contain 506 sqm commercial space which shall be used as Class E (formerly Use Classes A1, A2, B1, D1 and D2)and 102sqm Class F2(b) (Use Class D1) shall not be used other than for purposes as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

The floorspace for individual units set out above shall not exceed 499sqm, unless an application is firstly submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure the adequate provision of commercial, employment and community floorspace.

- 5 Units 01.11, 01.19, 02.11, 02.19, 03.11, 03.18, 03.20, 04.11, 04.15, 04.16, 05.11, 05.13, 05.14 shall be constructed so that 90% of the residential units will comply with Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% will comply with M4(3) 'wheelchair accessible homes' standards.

Reason: To ensure the provision of accessible homes, in accordance with the Mayor's Housing SPG 2015.

- 6 A communal television aerial and satellite dish system for each building, or a single system for the development as a whole, shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. 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.

- 7 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.

- 8 The residential car parking space, commercial loading bay, residential and commercial cycle and refuse storage shall be provided in full prior to first occupation of the development, and shall be used for the parking of vehicles, servicing, and storage of cycles/bins associated with the development and shall not be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway flow and safety.

- 9 The development hereby approved 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.

- 10 The residential units hereby approved shall at no time be converted from use class C3 residential to a use class 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 equivalent provision in 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.

- 11 Unless alternative details are first agreed in writing by the Local Planning Authority, the tree protection recommendations set out in the submitted Arboricultural Impact Assessment (prepared by SJ Stephens Associates dated 24th March 2020) shall be fully implemented throughout the demolition of the existing building(s) and construction of the development.

Reason: To ensure the development suitably protects trees that could be damaged by the development.

- 12 Prior to the commencement of the development a Construction Method Statement (CMS) shall be submitted through the submission of an application of approval of details to the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works.

All agreed actions shall be carried out in full.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the

development that would otherwise give rise to nuisance.

Reason for pre-commencement condition: These impacts can arise at any time from the start of construction works, and adequate controls need to be in place at this time.

- 13 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted through the submission of an application of approval of details to the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved Construction Logistics Plan.

Reason: To ensure construction traffic impacts are effectively managed throughout the construction process.

Reason for pre-commencement condition: Construction traffic impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 14 Prior to the commencement of the development, a revised Fire Safety Strategy shall be submitted through the submission of an application of approval of details to the Local Planning Authority. The strategy should confirm details of the specific materials to be used in the construction of the development to ensure a fire resistant development. The Fire Safety Strategy shall be implemented in full following commencement of the development.

Reason: To ensure that the development has thoroughly considered fire safety at the planning stage, in line with the requirements of policy D12 in the Intend to Publish London Plan.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 15 Prior to commencement of the development hereby approved, information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted through the submission of an application of approval of details to the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 16 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing through the submission of an application of approval of details to the Local Planning Authority in

consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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

- 17 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the 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 and a Remediation Strategy should any contamination be found that presents an unacceptable risk to any identified receptors.

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

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

- 18 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the following shall be submitted through the submission of an application of approval of details to the Local Planning Authority;

- (a) Details of materials for all external surfaces of the building
- (b) Details of the proposed entrances gates
- (c) Details of screening to be installed on the proposed balconies
- (d) Details of screening linked to the proposed roof terrace areas.

The works shall be carried out with the approved details.

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

- 19 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted through the submission of an application of approval of details to the Local Planning Authority

The submitted scheme shall set out detailed proposals for the following aspects:

- a) Hard surfacing, any external furniture and play equipment, and boundary treatments throughout the site
- b) details of soft landscaping (including species, location and densities) together with design of tree pits for 17 trees planted within the site.
- c) details of any external CCTV.
- d) details of proposed external lighting design including a light spillage plan taken into consideration neighbouring properties.
- e) arrangements for maintenance of trees and other planted species.
- f) external refuse details.

The approved landscaping scheme shall be completed prior to the first occupation of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces and to maximise biodiversity benefits.

- 20 Within six months of commencement of works above ground level, further details of rooftop PV installations (including a roof plan and section plans) to achieve the carbon emissions reductions agreed through the s106 agreement shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application of approval of details, and thereafter implemented in accordance with the approved plans.

Reason: To ensure the maximum reasonable carbon emissions reductions are achieved on-site.

- 21 Within six months of commencement of works above ground level, details of the roof plants and appropriate screening shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application of approval of details. The scheme shall thereafter be carried out in accordance with the approved details.

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

- 22 Prior to occupation of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing through the submission of an application of approval of details to the Local Planning Authority, setting out how parking spaces shall be allocated to residents with the most need for parking. All parking spaces shall be made available on short-term leases rather than sold to individual residents or workspace users. The allocation and management of parking spaces shall be conducted in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that parking spaces are allocated to residents and workspace users with the greatest need for parking.

- 23 Prior to occupation of the development hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing through the submission of an application of approval of details to the Local Planning Authority. The Delivery and Servicing Plan shall include details of the use of off-carriageway servicing space for the commercial units.

The development shall thereafter operate in accordance with the approved Delivery and Servicing Plan.

Reason: To ensure the development provides a safe and efficient environment in respect of the interplay between pedestrians and delivery/servicing vehicles.

- 24 Prior to first occupation of the proposed development a Waste Management Plan shall be submitted through the submission of an application of approval of details to the Local Planning Authority and the approved details shall thereafter be implemented from first occupation of the development.

Reason: In the interest of the free and safe flow of traffic on the highway network.

- 25 Unless alternative details are first agreed in writing by the Local Planning Authority, prior to occupation of the development hereby approved, evidence that the noise mitigation measures set out in the submitted Noise Impact Assessment prepared by ALN Acoustic Design dated 22nd April 2020 have been implemented shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application of approval of details.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 26 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 through the submission of an application of approval of details to the Local Planning Authority prior to installation of such plant. All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours.

INFORMATIVES

- 1 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.
- 2 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.
- 3 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.
- 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 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.
- 7 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.
- 8 The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows: Thames Water Developer Services Tel: 0800 009 3921 Email: developer.services@thameswater.co.uk

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

13 January, 2021
04
20/2164

SITE INFORMATION

RECEIVED	21 July, 2020
WARD	Northwick Park
PLANNING AREA	
LOCATION	79-83 ODDS, Kenton Road, Harrow, HA3 0AH
PROPOSAL	Erection of a part three part four storey building comprising self-contained flats with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_150784</p> <p><u>When viewing this as a Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "20/2164" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

RECOMMENDATION Resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and referral to the Mayor.

Section 106 Heads of Terms

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 issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. 3 year permission
2. Approved Plan
3. Mix of units
4. Removal of pd rights C3 to C4
5. Provision of amenity space
6. 10% Disabled Parking
7. Car Parking Layout
8. Television Aerial and Satellite System
9. Water Consumption
10. Refuse facilities
11. SUDS
12. Traffic light system
13. Construction Management Plan
14. Tree protection measures
15. External materials
16. EVXP
17. Play equipment
18. Landscaping
19. PVs
20. Plant Noise
21. Car Park Management Plan
22. Internal Noise
23. Crossover
24. Delivery and Servicing Plan
25. External lighting
26. Sedum roof
27. Security gate
28. Cycle parking
29. Travel Plan

Informatives:

1. CIL Liable approval
2. Party Wall
3. Asbestos
4. Crossover contact
5. Trees contact
6. Repair damage to highway
7. Fire safety
8. Living wage


9. Noisy 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.

That, if by 3 months of the committee date the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

SITE MAP

 Brent	Planning Committee Map
Site address: 79-83 ODDS, Kenton Road, Harrow, HA3 0AH	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

PROPOSAL IN DETAIL

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.

The application is similar to the extant permission at the site for 39 flats. The changes relate to adding one new flat via an extension at third floor level on the north-eastern corner of the building (fronting Rushout Avenue); extending the size of unit 36 with a front extension on the north-western corner and associated changes to the amenity space in the form of a roof terrace.

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 (see planning history below).

The surrounding area is mixed. To the west (on the opposite side of Rushout Avenue) is the secondary shopping frontage of Kenton Town Centre. This frontage contains commercial units at ground floor with predominantly flats on the upper floors. 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:

- " Basement plans amended to reflect previously approved layout
- " Floorplans amended to reflect changes to access cores. This change is non-material as it does not materially impact the sizes or layouts of the approved units and is in accordance with the layout approved in application reference 20/0685
- " Addition of a Balcony to Flat 40

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:

Existing consent: Work on the existing consent (as varied by consents 19/2770, 19/4473 and 20/0685) has commenced and this scheme can be implemented. This is a material consideration in the determination of this application.

Representations Received: A total of 9 objections have been received (6 from individual properties and 3 from councillors).

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 application seeks to add one additional home when compared with this extant scheme together with the enlargement of one unit from a one bedroom flat to a two bedroom flat. It is considered that the principle of development remains acceptable.

Highway impacts: Transport officers have assessed the scheme and advised that the proposal is acceptable. It is 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. Design and appearance: When compared to the consented scheme, the proposal would not result in harmful

impact on the character and appearance of the local area.

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)
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Monitoring Residential Breakdown

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

Relevant planning history

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**

19/2770: Variation of condition 2 (approved plans) of Full Planning Permission reference 17/3717 to allow the following changes:

- the provision of an additional one-bedroom flat to bring the total approved residential units to 40
- extension to Unit No.39 to allow an increase from a one-bedroom to a two-bedroom flat

REFUSED - 17/12/2019. The reason for refusal was based on a recent court case *Finney v Welsh Ministers & Ors* (Rev 1) [2019] whereby an application to vary a condition of a planning consent through section 73(2) of Town and Country Planning Act 1990, as amended, specifies that the planning authority must consider only the question of conditions. It must not, therefore, consider the description of the development to which the conditions are attached. Additionally no legal agreement was signed to control levels of affordable housing, emissions or an Employment and Training Plan.

19/4473: Variation of condition 2 (approved plans) of Full Planning Permission reference 17/3717 to allow:

- Rear fire escape stairs
- Basement enlargement
- Relocation of the cycle storage

GRANTED - 18/08/2020

20/0685: Variation of condition 2 (approved plans) of Full Planning Permission reference 17/3717 to allow:

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

GRANTED - 13/11/2020.

CONSULTATIONS

Public consultation

Consultation letters were sent to 118 neighbouring properties on 24th July 2020 and an addition 13 properties were consulted on 30th July 2020. In addition a site notice was displayed on 7th August 2020 and the application was advertised in the press on 30th July 2020.

Re-consultation was carried out to the above properties on 2nd October 2020 following the availability of the Financial Viability Assessment on the Council's website

A final re-consultation was carried out to the above properties on 19th of November 2020 in relation to the addition of a balcony to Flat 40.

The application was re-advertised in the press on 29th October 2020 and a new site notice displayed on 25th of November 2020.

6 objections were received from nearby properties, together with objections from Councillors Daly, McLennan and Perrin. These are summarised as follows:

Objection	Officer response
Highway matters	
Additional traffic as a result of increased parking on site (6 to 30 spaces) will result in pollution, parking problems, congestion and increase in air pollution from vehicles idling	See Paragraphs 69-72
Access to basement car park from Rushout Avenue not acceptable given Rushout Avenue is used as a bus route	See Paragraphs 69-72
Existing parking problems along Rushout Avenue with vehicles parking on double yellow lines and over people's driveways	See Paragraphs 73-74
Reduction in width of basement car park to one-way will result in increased congestion, particularly at the top of the ramp where vehicles will idle	See Paragraph 70
Lack of detail on traffic light system	See Paragraph 70
Basement car park contrary to policy given the proximity to public transport	Permission has already been granted for the basement as part of the extant consent
Design and impact on neighbouring properties	
Proposal is too dense and will create an eye sore. Height at 4 storeys is out of keeping with local area	See Paragraphs 27-29
Additional flat and its associated balcony will lead to increased overlooking to neighbouring property	See Paragraphs 46-49
Air Quality and other environmental considerations	
Enlarged basement car park does not support Brent's Climate Emergency objectives	The basement already has approval under the previous application. Paragraph 85 refers to impact on air

	quality
Developers have not been considerate during construction	Noted however, this is enforced by legislation outside of Planning Control
Unclear why Construction Management Plans conditioned as they are not enforceable.	Construction Management Plans promote good practice. However, various measures within the CMP are enforceable through other legislation, such as the Highways Act or Control of Pollution Act
Query whether height of boundary treatment alongside neighbouring property on Rushout Avenue could be increased to improve security and reduce noise/air pollutants	No changes are proposed over the fence which has existing permission and was found to be acceptable.
Consultation/other matters	
Complex planning history including a number of variations under section 73. Unclear how they all relate to one another and when they were granted. Very confusing for local residents.	There are no restrictions on the number of applications an applicant may submit. Consultation was carried out
Councillors were only notified through weekly planning lists and not formally consulted	Councillors are notified of all applications within their ward through the weekly list. Councillors were sent consultation letters for all amendments to the scheme
Number of neighbours consulted misleading. The website suggests substantially less properties consulted	118 neighbours were consulted on the initial application and all subsequent amendments.
Works should stop until the application has been approved, especially as minor material amendment for 40 flats was refused	The existing consent remains extant and can be implemented. There is no requirement in Planning regulations for works to stop while the current application is assessed.
Proposal will have a detrimental effect on local services, amenities and infrastructure	The principle of development is considered to have been already established and the addition of one unit is not considered to result in materially greater impacts on local services and infrastructure

External consultation

London Borough of Harrow - no objections raised.

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this

application should be in accordance with the development plan unless material considerations indicate otherwise.

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

London Plan (2016)

Key policies include

3.3 – Increasing housing supply

3.5: Quality and Design of Housing Developments

3.6 – Children and young people's play and informal recreation

3.12 – Negotiating affordable housing on individual private residential and mixed use schemes

5.2 – minimising carbon dioxide emissions

5.7 – Renewable energy

5.9 – Overheating and cooling

5.10 – Urban Greening

6.3 – Assessing effects of development on transport capacity

6.9: Cycling

7.4: Local Character

7.6: Architecture

7.14 – Improving Air Quality

Core Strategy (2010)

CP 2 - Population and Housing Growth

CP19 – Brent Strategic Climate Change Mitigation and Adaption Measures

CP21 - A Balanced Housing Stock

Development Management Policy (2016)

DMP1: General Policy

DMP9b – On site Water Management and Surface Water Attenuation

DMP12: Parking

DMP13 – Movement of Goods and Materials

DMP15 – Affordable housing

DMP18: Dwelling Size and Residential Outbuildings

Material Considerations include the National Planning Policy Framework 2019 and the Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018, and Technical Housing Standards- Nationally Described Space Standard

Emerging policy context

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. As such considerable weight should be given to these policies.

The Draft London Plan Intend to Publish Version 2019

Key policies include:

D3 – Optimising site capacity through the design-led approach

D4 - Delivering good design

D6 - Housing quality and standards

D7 – Accessible housing

D12 – Fire safety

H1 – Increasing housing supply

H5 – Threshold approach to applications

H6 – Affordable housing tenure

H7 – Monitoring of affordable housing

S4 – Play and informal recreation

SI1 – Improving air quality

SI2 – Minimising greenhouse gas emissions

T4 – Assessing and mitigating transport impacts

T5 - Cycling

Brent's Draft Local Plan 2020

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. The examination in public took place in Autumn 2020. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Key policies include:

DMP1 – Development Management General Policy

BP4 – North West

BD1 – Leading the Way in Good Urban Design

BD2 – Tall Buildings in Brent

BD3 – Basement Development

BH1 – Increasing Housing Supply

BH2 – Priority Areas for Additional Housing Provision within Brent

BH5 – Affordable Housing

BH6 – Housing Size Mix

BH13 – Residential Amenity Space

BGI2 – Trees and Woodland

BSUI1 – Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

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

BT4 – Forming an Access on to a road

Other material considerations

National Planning Policy Framework 2019

Brent's Design Guide SPD1

DETAILED CONSIDERATIONS

Background

1. Planning permission was granted on 15th May 2018 (LPA Ref: 17/3717) for the demolition of the three dwellinghouses at Nos. 79 to 83 Kenton Road and their replacement with 39 flats within a part three part four storey building. The approved scheme also involved the creation of a basement car parking accommodating 30 car parking spaces, with vehicular access to the basement car park from Rushout Avenue. Works have commenced on this planning permission.
2. A number of subsequent minor material amendment applications (under section 73 of the Town and Country Planning Act) have been submitted to make changes to the consented scheme ("parent" scheme). One of these related to the enlargement of the basement, addition of fire escape and relocation of cycle storage to the basement. This application was granted on 18/08/2020. The other minor material amendment application related to a reduction in the width of the access ramp into the basement car park and associated one-way traffic signals. Committee resolved to grant consent for this application on 14/10/2020 and the application was granted on 13/11/2020.
3. In addition to the above, a further minor material amendment application (LPA Ref: 19/2770) was submitted to the LPA seeking to amend the scheme to add 1 additional residential unit to increase the number of units from 39 to 40. The scheme was considered to be acceptable by officers but the application was refused as the description of a development cannot be changed through a Section 73 application (as established through a recent court case, known as the Finney case).

4. The extant planning permission and subsequent minor material amendments are material consideration when considering this proposal. Works have commenced on implementing the consented scheme and this would represent a legitimate fall back position in the event that the Planning Committee were minded to refuse this current application.
5. Since the grant of planning permission for the extant permission, both the London Plan has been modified with the "London Plan Intend to Publish Version" 2019 and Brent is reviewing its Local Plan with the emerging Brent's Draft Local Plan. Both of these plans have gone through a significant element of the plan making process and carry increasing weight in the assessing of the current application. Where there has been a change in the policy position this is highlighted in the remarks section below.

Principle of Development

6. The principle of the redevelopment of the site is considered to have already been established via the approved permission 17/3717 (and subsequent minor material amendment applications). As works have begun on this application, this represents a legitimate fallback position.
7. The current scheme is materially similar to the approved scheme. It seeks to add an additional one bed unit on the 3rd floor fronting Rushout Avenue (increasing the number of units from 39 to 40) and an extension to flat 39. In addition, a rooftop shared amenity space is proposed on the 3rd floor. The alterations secured as part of the early minor material amendment applications are incorporated into this current proposal.
8. Since the granting of the extant permission housing targets have increased from 22000 additional homes between 2007 and 2026 to a minimum of 23,250 homes in the period of 2019-2029. It is noted that the site lies along an Intensification Corridor within Brent's emerging Local Plan and policy BH2 identifies such locations as priority areas for new housing within Brent.
9. The inclusion of one additional unit (increase the total number of homes from 39 to 40) would not alter the overall principle of development as approved and this remains acceptable and will therefore still comply with policies CP2 and CP21 of Brent's Core Strategy 2010.
10. This would also be in accordance with policy BH1 of the Draft Local Plan and H1 of the ITP London Plan both of which seek to increase housing targets for Brent.

Mix of homes and affordable housing

Mix of homes

11. The scheme proposes a total of 40 flats, and would provide one additional 2-bedroom flat above the extant scheme. The housing mix would comprise 27 x 1 bedroom flats, 9 x 2 bedroom flats, 4 x 3 bedroom flats. Policy CP2 seeks 25% of all new residential units across the borough to be family sized (3+ bed). Additionally policy BH6 of the Draft Local Plan states that for one in every four new units, one should be sized as 3+beds.
12. The number of 3 bedroom homes proposed across the development would represent 10% of the total development. It is acknowledged that this would fall short of the 25% target set out within the Core Strategy and the more specific target of 1 in 4 homes to be three bedrooms or more for individual sites as set out in the emerging Local Plan. However, it is noted that the same mix of units (apart from the new 2 bed) was accepted in the previously approved scheme, representing just over 10% of the homes within the extant scheme as family sized units. As this approved scheme represents a legitimate fall back position and is a material consideration, it is considered that the unit mix remains acceptable. The addition of one additional one bedroom flat is not considered to materially change the acceptability of the scheme in that regard.

Adopted affordable housing policy

13. London Plan policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability. The policy requires boroughs to take account of economic viability when negotiating on affordable housing, and other individual circumstances.

14. Brent's adopted local policy (CP2 and DMP15) requiring affordable housing requirements for major applications 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.

Emerging affordable housing policy

15. 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.

16. 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:

- 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.

17. 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.

18. Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes delivering at least 35% (or 50% on public sector land / industrial land and that propose a policy compliant tenure split) not viability tested at application stage. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.

19. Brent's draft Local Plan has been to examination by the Planning Inspectorate but the Inspector's report has not been published at the time of writing this report, and as such the adopted DMP15 policy would carry considerably more weight than the emerging policy at present. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage.

Provision of affordable housing for the proposal

20. As part of the previously approved scheme the applicant submitted a financial viability assessment (FVA) which concluded that the maximum number of affordable units was four shared ownership units (4 x one bedroom flats). It was also subject to a post implementation review mechanism.
21. As part of the previously refused minor material amendment (LPA Ref: 19/2770) the applicant provided an updated FVA, dated February 2019, which concluded that the maximum number of affordable units

that could be viable as part of the scheme remained 4 units in shared ownership. This was independently assessed by BNP Paribas in October 2019 and the Council's Affordable Housing team who agreed with these conclusions, and found through their own modelling that the scheme was in deficit (approximately £770,000).

22. As part of the current application the applicant has submitted the same updated FVA which seeks to retain the existing arrangements in terms of affordable housing (i.e the provision of 4 x one bedroom shared ownership units). The applicants have noted that the construction costs for development have increased 7% since the figures used and information on house prices in the area indicates an increase of 1%. On that basis the viability of the scheme will have reduced since the previous approval and this would be likely to reduce the maximum amount of affordable housing provision. This approach has been reviewed and accepted by the Affordable Housing team who concur that the viability of the site will have reduced overall and as such a fresh FVA would likely reduce scheme viability and the amount of affordable housing provision. On that basis the number and mix of affordable units (four shared ownership homes) is considered to be acceptable, and represents the maximum reasonable amount of affordable housing. It therefore complies with policy DMP15.
23. Additionally, it is noted that the area, and scheme are subject to value growth over the development period. As the deficit is considered to be minor, the Council will be requiring a post implementation late stage viability review mechanism to be secured through a S106 agreement, to capture any uplift in affordable housing. In conclusion, the proposal has secured the maximum reason level of affordable housing.

Design and Appearance

24. Policies DMP1 of the Development Management Policies and London Plan Policy 7.4 further state that development should be of a design, massing and scale which respects its surroundings.
25. Policy BD1 of the Draft Local Plan also emphasises high quality design in new development. Policy BD2 of the draft local plan identifies that development in Intensification Corridors can support a maximum height of 15m / 5 storeys. As such, it is expected that the character of these areas will change during the course of future developments in and a more contemporary approach can be acceptable.
26. The proposed building would be identical to that approved under 17/3717 (3-4 storeys) with the exception of an addition on the north western corner of the property at 3rd floor level, a forward extension of flat 39, the new fire escape and the roof terrace.

Scale, massing and bulk

27. The extant permission as approved consists of a 3-4 storey L-shaped building wrapping around the corner of Kenton Road and Rushout Avenue. It would feature a central communal amenity space and basement for 30 parking spaces and cycle parking. The building was approved with a set back from Rushout Avenue to a depth broadly consistent with the established building line and the depth of front gardens along this area. Along Kenton Road the proposal would have a staggered depth ranging from 2m-3.5m from the pavement of Kenton Road.
28. In terms height the proposal would be finished with a flat roof of 3 storeys adjacent to no. 77 Kenton Road (matching the ridge height of the previously existing dwellinghouse) stepping up to 4 storeys adjacent to 85 Kenton Road. Along Rushout Avenue the building would have a maximum height of 4 storeys adjacent to the junction with Kenton Road reducing to 3 storeys adjacent to no. 2 Rushout Avenue. The height would be staggered to reflect changing ground levels along Rushout Avenue itself.
29. The bulk of the scheme was concentrated towards the junction with Kenton Road and the proposed articulation in the elevations and height was considered to provide a variation in the scale and massing of the building. Similarly the use of recessed and projecting windows along with projecting balconies was considered to help break up the overall façade of the development. Overall, the scale and massing was considered to acceptably fit in with the character and appearance of the wider context.
30. The addition on the northwest corner is to provide space for the new unit 40. It would result in an additional width of 4.9m at third floor level. The front and rear elevations of this element would align with the approved built form and the fenestration and materials would match that of the already approved scheme. Given that a good set in is still maintained to the boundary with the two storey houses on Rushout Avenue, the proposal is still considered to maintain an acceptable stepping arrangement in

height between the existing houses and four storeys approved on the junction of Kenton Road/Rushout Avenue.

31. The enlargement of Flat 39 (compared to the approved scheme) would involve bringing the outside face in line with that of the adjacent flat no. 38. It is acknowledged that this would reduce some of the 'staggered' appearance of the building where it faces Kenton Road. However, this is not considered to be unduly detrimental. In terms of appearance it would be in keeping with the wider development as a whole and would be acceptable.
32. Similarly, the proposed roof terrace would be largely surrounded by the approved built form and would not be highly visible from public views. As such, its impact on the character of the scheme is considered acceptable.
33. The proposed fire escape structure was approved under reference 19/4473 where the design and appearance was considered to be acceptable. The amount of shared amenity space lost would be offset by the relocation of cycle storage to the basement and the provision of the roof terrace. As such, this remains acceptable in appearance.

Layout

34. The layout of the development remains unchanged when compared to the extant permission. Two entrances are provided to the development onto Rushout Avenue. Core 1 will serve no more than 7 homes per floor and core 2 will serve no more than 4 homes per core. This would remain in compliance with the 8 flats per floor, per core ratio recommended by the London Plan. The overall layout of the units therefore remains acceptable.

Residential Amenity

35. Policy 7.6 of the London Plan and Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

Outlook

36. SPD1 requires new development to sit within a line drawn at 45 degree (measured at 2m high) from the boundary of adjoining private external amenity space, and to sit within a line of 30 degrees (measured at 2m from internal floor level) from neighbouring rear habitable room windows. New development when sitting alongside existing residential properties should also project no deeper than 1:2 rule (whereby the depth is no deeper than half the distance when measured from the middle of the neighbour's nearest rear habitable room window to the flank wall of the proposed development).
37. The extant permission was found to comply with this guidance and have an acceptable impact on the residential amenities of neighbouring properties. The proposed alteration to create Flat 40 would broadly align with the front and rear of No. 2 Rushout Avenue (with the exception of the balcony). However, this will remain within 1:2 rule set out above and within the 45 degree line when measured from the edge of the rear garden of No. 2 Rushout Avenue and No. 75 Kenton Road.
38. The proposed fire escape would be 2.5m high when taken from the ground level of the communal garden which itself is set lower than the neighbouring gardens. It is the same height as that approved under the minor material amendment application, and is therefore considered to maintain an acceptable relationship with the neighbouring properties.

Daylight and Sunlight

39. The applicant has submitted a Daylight/Sunlight report to support the scheme.
40. The report uses the Vertical Sky Component (VSC) test which measures the amount of visible sky outside a property. In addition, the report uses a No Skyline Contour (NSC) test which calculates the distribution of daylight within rooms. Guidance states that an undue impact is considered to be where the VSC levels drop below 27% or are reduced to 0.8 times their existing value or the NSC values drop to less than 0.8 times their former value.
41. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of

statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.

42. The report identifies 7 properties which could be potentially impacted by development. 77, 85, 88 and 90 Kenton Road and Nos 1, 2 and 3 Rushout Avenue.
43. The report notes that properties to the north of development (nos 88, 90 and 92 Kenton Road) would not be impacted by the proposal as it would fall below a 25 degree line taken from those opposite windows. Of the remaining properties concludes that the VSC value would remain above the required 27% for all properties and that APSH would remain above 25% and 5% respectively. As such good levels of daylight and sunlight would be received by neighbouring properties. In addition, overshadowing study to affected garden was undertaken, and concluded 50% of the rear gardens on Kenton Road and Rushout Avenue will continue to received 6.93 hours and 7.92 hours (respectively), which exceeds the BRE guidelines.
44. Overall, it is concluded that the proposal would not result in any undue impact on daylight or sunlight of neighbouring properties and is acceptable.

Privacy and Security

45. SPD1 requires a minimum distance of 9m from habitable room window to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. The proposal does not directly face the rear windows of adjoining properties.
46. The relationship of the windows on the front and rear would remain as per the approved scheme with separation distances of 25m from opposite properties on Kenton Road, and over 20m between the development and the boundaries of neighbouring gardens on Rushout Avenue and the same side of Kenton Road. Along the front of Kenton Road the separation distance, would remain as previously approved and the new additions would maintain this relationship.
47. The proposed roof terrace would be separated from the nearest neighbouring gardens by 20m and would feature screening along the edges. As such, this element would not result in any undue impact on privacy. The provision of the balcony to Flat 40 would have a similar relationship to neighbouring properties as the balcony below it and is not considered to result in any privacy issues subject to conditions ensuring suitable screening.
48. Objections have been raised concerning the potential for people to access neighbouring gardens by climbing on the proposed fire escape structure. These comments are noted but it is considered that the relationship between the structures and neighbouring gardens is not dissimilar to the relationship of residential outbuildings between neighbouring properties. The structure would benefit from natural surveillance from the approved residential units and located in clearly marked amenity space. It is therefore considered that this would not be grounds to refuse permission
49. Overall the application is considered not to result in any undue impact on residential amenity when compared with the extant scheme.

Quality of Accommodation

50. All of the proposed units would meet or exceed the minimum space standards as require by The London Plan policy 3.5. All bedrooms would meet the minimum sizes as set out by the Technical Housing Standards and policy D6 of the ITP London Plan. The floor to ceiling height of each unit would meet the 2.5m minimum required for development within London. All habitable rooms would be served with an external window with sufficient space adjacent to provide acceptable levels of outlook throughout the scheme.
51. As with the approved scheme units 6, 7, 8, 17, 18, 19, 28, 29 30 and 37 would be single aspect units directed north. This was considered acceptable in that application as the units met floorspace standards and the open plan nature of development was considered to maximise light across the flats. The new flat Unit 40 would be dual aspect and there would be no increase in the number of north facing units as part of this proposal. As such, the layout of the proposed units is considered to be acceptable.

Wheelchair accessible units

52. Policy 3.8 of The London plan (2016) and Policy D7 of the ITP London Plan require 10% of new dwellings to be disabled access units. The main entrance on Rushout Avenue would have wheelchair access to the main core. Additionally, as numerous units exceed the space standards they would be easily modified to be wheelchair accessible. The submitted Design and Access Statement indicates that all units with access to this core would be wheelchair accessible, exceeding the 10% requirement however no specific details have been submitted. As per the previous permission a condition is recommended to secure the location of the units within the scheme and to ensure that the 10% minimum is achieved which equates to 4 wheelchair units.

External amenity space

53. Policy DMP19 states the following:

"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."

54. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 10.39) which provides that:

"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".

55. These requirements are carried forward in Brent's emerging Local Plan under policy heading BH13.

56. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.

57. The level of external amenity space is comparable to the extant permission. The additional unit proposed as part of this scheme has its own balcony. The level of communal amenity space remains as per the extant consent at ground floor level, and an additional communal roof top amenity space is proposed at third floor level.

58. The external amenity space target for the scheme is a total of 860sqm of (2 x 50sqm for ground floor three bedroom units and 38 x 20sqm for the remaining units). The scheme falls short of private external amenity space by 475 sqm (front gardens* have been included as amenity space due to their design) . The shortfall would rise to 638.87sqm if front gardens are not included. This shortfall is offset in part by the communal amenity spaces at ground floor (421.75sqm) and at third floor level (41.37sqm), resulting in an overall cumulative shortfall in external amenity space across the scheme of 11.88sqm, which would increase to 175.75sqm if front gardens are not included . The proposal would result in an increase in the amount of external amenity space of more than 20 sqm above that of the extant permission as the current proposal includes a roof top amenity space that exceeds 20sqm. Therefore, the proposal would result in a reduction in the deficit in external amenity space when compared to the extant consent and the quality of accommodation is therefore better in this respect. *Front gardens have been proposed as external amenity space and officers consider that they can be included due to the size, design and access to these spaces. However, in both situations the current proposal would represent an improvement over the extant consent (i.e. whether the front gardens are included in the calculation or not).

Playspace

59. Policy 3.6 of the London Plan and policy S4 of the ITP London plan require development to provide good quality and accessible playspace for children at a rate of 10sqm per child. Based on the GLA calculator the proposed development would require 38.5sqm of childrens playspace. The submitted design and access statement states that 40sqm of childrens playspace will be provided consisting of climbing

equipment and seating areas. This is acceptable in principle however more detail is required and this would be secured via condition.

Landscaping and Trees

60. A total of 13 trees and a number of shrubs originally on the site have been lost as a result of the extant permission, to facilitate the development. These involved category B and C trees. However, the scheme proposes replacement trees within the communal and front gardens to compensate for the loss of trees, and to ensure that there is no net loss, it is recommended that a condition is secured to provide a minimum replacement of 13 trees within the development. The extant permission included tree protection measures to retain a street tree along Rushout Avenue frontage. It is recommended that a tree protection plan is also secured as part of any forthcoming consent.
61. Policy G5 of the ITP London Plan also states that development should contribute towards the greening of London and sets a target Urban Greening Factor (UGF) of 0.4. It is acknowledged that the proposal would have an UGF of 0.08 and as such fail to meet this requirement regarding Urban Greening. The extant permission included sedum roofs (a number with pv panels). The current proposal does not include the sedum roofs, but officers consider that a condition can be secured for the provision of sedum roofs that can be integrated with the PV panels. On balance, giving weight to the extant permission (which was granted consent before UGF became a planning consideration) and that this proposal does not result in a significant loss of sedum roof compared to the extant consent (details of which are to be conditioned), the shortfall can be supported in this instance.

Highways and Transport

62. Kenton Road is a London Distributor Road and on street parking is restrictive due to the street being a London Distributor Road, with waiting restrictions along the site frontage. The street also carries 4 lanes of traffic.
63. Rushout Avenue has parking restrictions at the junction and adjacent to the site. However the rest of the street has unrestricted parking. Rushout Avenue is not defined as heavily parked overnight, but does experience heavy commuter parking during the day.
64. Kenton Road and Rushout Avenue are both bus routes. The Site has a PTAL Rating of 5 (Very Good).

Basement car park and consideration of overspill parking

65. The proposal would feature a basement car park with 30 parking spaces accessed via vehicle ramp from Rushout Avenue. The access would be wide enough for one vehicle to pass in and out of the basement, with one waiting space on the curtilage of the site. This is intended to be managed by a set of traffic lights.
66. Car parking allowances for residential use are set out in standard appendix 1 of the Development Management Policies and due to the high access to public transport, the parking standards are reduced. Therefore a parking allowance of 0.75 spaces is permitted for a 1-2 bed unit and 1.2 spaces permitted for a 3+ bed unit.
67. The extant permission was for 39 units and had a maximum parking standard of 31 spaces based on a unit mix of 27 x one bedroom units, 8 x two bedroom units and 4 x three bedroom units. . With the addition of the new unit and the enlargement of flat 38, the unit mix has altered to 27 x one bedroom flats, 9 x two bedroom flats and 4 x three bedroom flats. this would increase to 31.758 spaces. Therefore the continued provision of 30 marked spaces would therefore still comply with Brent's current maximum standards.
68. Census data from 2011 shows average car ownership for flats in the area to be 0.74 cars/flat, which suggests that the proposed 30 spaces would match the likely future parking demand, meaning overspill parking from the site is unlikely to occur.
69. Objections have 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.
70. The proposed access ramp is identical to that approved under 20/0685. As part of the assessment of that

application it was considered that the arrangements were acceptable including the consideration of noise pollution and air quality from idling cars, subject to a condition to ensure that the default position of the traffic light system is to prioritise cars entering the site over those exiting the site. A similar condition has been imposed on this application to manage this.

71. The enlarged basement would extend close to the highway boundary and as such, an Approval In Principle status will need to be obtained from Brent's Highway & Infrastructure Service. However, this requirement sits outside of the Planning Assessment and an informative will be added to remind the applicant of their obligations. This was secured as part of the earlier minor material amendment.
72. An area in the basement is marked as a NO PARKING area and subject to car parking management plan (secured via planning condition) this would be acceptable.

Trip generation

73. 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 extant 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
74. Taking into consideration these factors, it is considered that the addition of one additional unit would not result in any materially more harmful impact on the local traffic or parking situation that approved in the extant permission and would remain policy compliant.

Cycle and refuse

75. The basement as submitted and cycle parking location are identical to those approved as the extant permission (with the associated minor material amendments).
76. At the time of consent, the extant permission required a total of 51 cycle parking spaces in order to comply with policy 6.9 of The London Plan. This was provided via cycle storage in the communal garden.
77. The minimum cycle parking requirements in the ITP London Plan, which are 1.5 spaces per 1-bed flat and 2 spaces per 2- & 3-bed flats increase the total minimum provision required of 66 cycle parking spaces.
78. This is acknowledged. However, as the extant permission is a material consideration and was considered against the 2016 standards. In this instance the addition of one unit would increase the number of spaces required under those standards to a total of 52 units. In this instance it would be considered reasonable to apply those standards for the current proposal. Additionally, it is considered that providing all cycle parking in the basement would provide other benefits to the scheme in terms of adding useable shared amenity space at ground floor level.
79. The principle of cycle parking in the basement has been established by the approval of 19/4473 and 20/685. 43 spaces are shown on the plans however specific details of the type of storage proposed and it is acknowledged that this fall short of the 52 required spaces. As per the previously approved scheme a condition has been attached to ensure that details of the cycle parking are submitted and approved prior to first occupation of the development.
80. With regards to the refuse area itself no change from the original approval is proposed or required and remains acceptable
81. Servicing is proposed from Kenton Road which would avoid larger collection vehicles from requiring access to Rushout Avenue. This is considered an acceptable solution and a condition requiring a Servicing and Delivery Plan to be submitted and approved has been imposed.

Environmental Health

82. In the previously approved permission a condition was attached requiring that that all residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice'. The flats and associated rooms should be designed and constructed in

accordance with Approved Document E - Resistance to the Passage of Sound, 1st July 2003. Residential developments must be designed to ensure that vibration levels are not exceeded due to road, rail or industry, BS6472:1992 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz).

83. This condition remains relevant and has been applied to the current scheme
84. Similarly conditions were imposed on the extant permission requiring a Construction Method Statement to be submitted and approved in order to mitigate impacts of construction on neighbouring properties. No CMS has been submitted with this application and as such a similar condition has been applied.
85. The site lies within an Air Quality Management Area as per policy 7.4 of The London Plan. The applicant has submitted an Air Quality Impact Assessment which concludes that the scheme would be air quality neutral in terms of both building emissions and transport emissions. It is unclear from the report whether this is based on the updated scheme, but given that the proposal does not increase parking provision and only one additional flat is proposed, the scheme is unlikely to result in increased levels of emissions from either transport or building emissions, to result in the scheme not being air quality neutral.

Sustainability and drainage

86. London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. As outlined in the Housing SPG from 1 of October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).
87. Policy SI 2 of the ITP London Plan also seeks to ensure that major development is net zero-carbon. A minimum on-site reduction of at least 35 % is also required with any shortfall provided via cash
88. The applicant has included an Energy Statement with the proposal. The statement outlines numerous sustainable design and construction methods. It is highlighted that the building would exceed Part L1A building regulations requirements. It is intended to incorporate natural mechanical ventilation system and water consumption will be reduced by using water efficiency measures. A combined heat and power system is proposed within the development and the report submitted illustrates that it is highly energy efficient and will achieve a 74% reduction in carbon emissions. Photovoltaic Panels are also proposed on the roof of the development which enhances the reduction. These proposed panels will be directed south for more efficiency.
89. The report submitted indicates that the development will result in a 76% reduction in CO2 emission utilising Be Lean, Be Clean, Be Green measures. Addition carbon reductions to achieve zero carbon can be provided thorough a carbon off-setting contribution and will be included as part of the s106 agreement to secure the delivery of carbon dioxide savings elsewhere.
90. The applicant has stated that the drainage aspects of the proposal would be managed by a Sustainable Drainage System (SuDS). The addition of one additional unit at third floor level would not materially impact the overall drainage impacts of the wider extant scheme. Subject to further details on the SUDs secured via planning condition this would be acceptable.

Equalities

91. 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

92. Considering all relevant policies and material considerations. It is considered that the proposal would result in a contribution to the borough's housing stock including affordable housing provision and would

not result in any undue harm to the character and appearance of the area or neighbouring amenity. Transport impacts have been assessed and are considered to not be detrimental to the local highways network.

93. It is acknowledged that there would be a shortfall in amenity space and urban greening below policy targets. However, the shortfall is below that of the extant consent and the proposal represents an improvement in relation to this. Weighing up the benefits of the development as a whole and taking due consideration of the extant permission, the proposal is considered to materially accord with the development plan and the benefits of the scheme are considered to outweigh these shortcomings.

94. The application is therefore recommended for approval subject to the conditions and S106 Obligation set out in this report.

CIL DETAILS

This application is liable to pay **£951,876.31** * 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): 587 sq. m.

Total amount of floorspace on completion (G): 3229.21 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
(Mayoral) Dwelling houses	3229.21		2642.21	£0.00	£60.00	£0.00	£163,931.54
(Brent) Dwelling houses	3229.21		2642.21	£200.00	£0.00	£787,944.77	£0.00

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	
TOTAL CHARGEABLE AMOUNT	£787,944.77	£163,931.54

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 20/2164

To: Liz Alexander
Bell Cornwell
Unit 2
Meridian Office Park
Osborn Way
HOOK
RG27 9HY

I refer to your application dated **21/07/2020** proposing the following:

Erection of a part three part four storey building comprising self-contained flats with associated basement car and cycle parking spaces accessed via new crossover off Rushout Avenue, bin stores, fencing and landscaping

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: 05/01/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

Adopted policy

London Plan 2016
 Brent's Core Strategy 2010
 Brent's Development Management Policies 2016

Emerging Policy

The Draft London Plan Intend to Publish Version 2019
 Brent's Draft Local Plan 2020

Other material considerations

National Planning Policy Framework 2019
 Brent's Design Guide SPD1

- 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):

Location Plan, A002 REV 01, A200 REV 03, A201 REV 03, A202 REV 03, A203 REV 03, A204 REV 04, A205 REV 04, A210 REV 02, A211 REV 02, A212 REV 02, A213 REV 01, A214 REV 01, A220 REV 01, A221 REV 03, A222 REV 05, A223 REV 04, KNR-DLTY-01-GR-DR-T-10100-P04, KNR-DLTY-01-GR-DR-T-10101-P04

Supporting Documents: Daylight and Sunlight Assessment, Energy and Sustainability Assessment, Planning Statement, Statement of Community Involvement, Traffic Control Statement, Transport Statement, Air Quality Assessment, Noise Assessment Report, Financial Viability Report

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

- 3 The scheme hereby approved shall contain 40 residential homes as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 The traffic light system hereby approved shall prioritise traffic entering the site by ensuring that the traffic light at the entrance to the ramp is set to green by default unless a car is exiting the basement parking. A warning sign shall be placed at the bottom of the ramp advising drivers to progress slowly with caution. This arrangement shall be maintained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of the development on the local highways network

- 13 Prior to the commencement of development, a Construction Management Statement which incorporates details of dust management, noise and other environmental impacts of the development in relation to the surroundings shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be implemented throughout the duration of construction.

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

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

- 14 Prior to commencement of development details of tree protection measures for the street tree along the Rushout Avenue frontage shall be submitted to and approved in writing by the Local Planning Authority, and thereafter 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.

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

- 15 Prior to commencement of development (excluding site clearance, preparation works and laying of foundations) details of all exterior materials including samples (which shall be made available for viewing on site or in another location as agreed) and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens to balconies

The works shall be carried out in accordance with the approved details.

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

- 16 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.

- 17 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.

- 18 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 (including a minimum provision of 13 new trees within the front and communal gardens);
- (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.

- 19 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.

- 20 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.

- 21 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

- 22 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:

Time	Area	Maximum noise level
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.

- 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 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.

- 25 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.

- 26 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.

- 27 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.

- 28 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 52 secure 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.

- 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.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 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 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

13 January, 2021
05
18/3498

SITE INFORMATION

RECEIVED	5 September, 2018	
WARD	Dudden Hill	
PLANNING AREA		
LOCATION	Land at 370 High Road and 54-68 Dudden Hill Lane, London, NW10	
PROPOSAL	Demolition of existing buildings and erection of 5 mixed use blocks ranging from 4 to 10 storeys plus basement levels, comprising; 245 residential units at 1st to 9th floors, and light industrial floorspace (Class B1c), food retail floorspace (supermarket) (Class A1), gym (Class D2), nursery (Class D1), commercial units (units 7 and 9) (flexible use for Class A1, A2, A3, D1 and/or B1c) and HA office (Class B1a) at basement, ground and part 1st floors, together with associated vehicular access, car and cycle parking spaces, bin stores, plant room, substations, landscaping and amenity space (Amended description)	
PLAN NO'S	<p>1123-A-P-001 Site Location Plan 11123-A-P-010 Existing Ground Floor 11123-A-E-020 Existing Dudden Hill Lane Elevation 11123-A-E-021 Existing Colin Road Elevation 11123-A-E-022 Existing High Road Elevation</p> <p>11223-A-P-101 Rev R - Ground floor plan 11223-A-P-102 Rev P - First floor plan 11223-A-P-101 Rev O - Second floor plan 11223-A-P-104 Rev M - Third floor plan 11223-A-P-105 Rev M - Fourth floor plan 11223-A-P-106 Rev M - Fifth floor plan 11223-A-P-107 Rev M - Sixth floor plan 11223-A-P-108 Rev M - Seventh floor plan 11223-A-P-109 Rev K - Eighth floor plan 11223-A-P-110 Rev G - Ninth floor plan 11223-A-P-111 Rev C - Roof plan</p> <p>11223-A-E-140 Rev F - Elevations Y and Z 11223-A-E-141 Rev F - Elevations X and Y 11223-A-E-142 Rev E - Elevations V and U 11223-A-E-143 Rev E - Elevations S and T 11223-A-E-144 Rev D - Elevations Q and R</p> <p>11223- A-S-122 Rev H - Sections U and V 11223- A-S-121 Rev E - Sections U and V 11223- A-S-120 Rev D - Sections Y and Z</p> <p>11123-A-P-201 Flat Type 01 11123-A-P-202 Rev A Flat Type 02 11123-A-P-203 Flat Type 03 11123-A-P-204 Rev A Flat Type 04</p>	

11123-A-P-205	Flat Type 05
11123-A-P-206	Flat Type 06
11123-A-P-211 Rev A	Flat Type 11
11123-A-P-212 Rev A	Flat Type 12
11123-A-P-213	Flat Type 13
11123-A-P-214	Flat Type 14
11123-A-P-215	Flat Type 15
11123-A-P-216	Flat Type 16
11123-A-P-220	Flat Type 20
11123-A-P-221 Rev A	Flat Type 21
11123-A-P-222 Rev B	Flat Type 22
11123-A-P-223 Rev A	Flat Type 23
11123-A-P-224 Rev A	Flat Type 24
11123-A-P-225 Rev A	Flat Type 25
11123-A-P-226 Rev A	Flat Type 26
11123-A-P-227 Rev B	Flat Type 27
11123-A-P-228	Flat Type 28
11123-A-P-229 Rev A	Flat Type 29
11123-A-P-230	Flat Type 30
11123-A-P-232	Flat Type 32
11123-A-P-233	Flat Type 33
11123-A-P-234	Flat Type 34
11123-A-P-236	Flat Type 36
11123-A-P-237	Flat Type 37
11123-A-P-238	Flat Type 38
11123-A-P-239 Rev A	Flat Type 39
11123-A-P-240 Rev A	Flat Type 40
11123-A-P-241 Rev B	Flat Type 41
11123-A-P-242 Rev A	Flat Type 42
11123-A-P-243 Rev A	Flat Type 43
11123-A-P-244	Flat Type 44
11123-A-P-245	Flat Type 45
11123-A-P-245	Flat Type 45
11123-A-P-246	Flat Type 46
11123-A-P-247	Flat Type 47
11123-A-P-248 Rev A	Flat Type 48
11123-A-P-249 Rev A	Flat Type 49
11123-A-P-250 Rev B	Flat Type 50
11123-A-P-251	Flat Type 51
11123-A-P-252	Flat Type 52
11123-A-P-253 Rev A	Flat Type 53
11123-A-P-254 Rev A	Flat Type 54
11123-A-P-255	Flat Type 55
11123-A-P-256	Flat Type 56
11123-A-P-257	Flat Type 57
11123-A-P-258	Flat Type 58
11123-A-P-259	Flat Type 59
11123-A-P-260 Rev A	Flat Type 60
11123-A-P-261 Rev A	Flat Type 61
11123-A-P-262	Flat Type 62
11123-A-P-263 Rev A	Flat Type 63
11123-A-P-264 Rev A	Flat Type 64
11123-A-P-265 Rev A	Flat Type 65
11123-A-P-266 Rev A	Flat Type 66
11123-A-P-267 Rev B	Flat Type 67
11123-A-P-268	Flat Type 68
11123-A-P-269	Flat Type 69
11123-A-P-270	Flat Type 70
11123-A-P-271	Flat Type 71
11123-A-P-272	Flat Type 72
11123-A-P-273	Flat Type 73
11123-A-P-274	Flat Type 74
11123-A-P-275	Flat Type 75

	<p> 11123-A-P-276 Flat Type 76 11123-A-P-277 Flat Type 77 11123-A-P-278 Rev A Flat Type 78 11123-A-P-279 Flat Type 79 11123-A-P-280 Flat Type 80 11123-A-P-281 Flat Type 81 11123-A-P-282 Flat Type 82 11123-A-P-283 Flat Type 83 11123-A-P-284 Flat Type 84 11123-A-P-285 Flat Type 85 11123-A-P-292 Flat Type 92 11123-A-P-296 Flat Type 296 11123-A-P-297 Flat Type 297 11123-A-P-298 Flat Type 298 11123-A-P-299 Flat Type 299 11123-A-P-300 Flat Type 300 11123-A-P-301 Flat Type 301 11123-A-P-302 Flat Type 302 11123-A-P-303 Flat Type 303 11123-A-P-304 Flat Type 304 11123-A-P-305 Flat Type 305 11123-A-P-306 Flat Type 306 11123-A-P-307 Flat Type 307 11123-A-P-308 Flat Type 308 11123-A-P-309 Flat Type 309 11123-A-P-310 Flat Type 310 11123-A-P-311 Flat Type 311 11123-A-P-312 Flat Type 312 </p>
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_141724</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "18/3498" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

It is recommended that the planning committee resolve to refuse planning permission for the reasons stated below and set out within the draft decision notice and subject to stage 2 referral to the Mayor of London.

- 1) That the proposal would fail to deliver the maximum reasonable number of Affordable Rented homes
- 2) That the proposal would result in a significant impact on the light received by some nearby residents
- 3) That the proposal would include the provision of excessive levels of retail parking without proposing adequate measures to promote non-car access
- 4) That, in the absence of a legal agreement (as the scheme is recommended for refusal), the development would not secure obligations require to mitigate the impacts of the development including:
 - Sustainability measures;
 - Job and training opportunities for local residents;
 - Necessary highway improvement works;
 - Necessary pedestrian environment improvement works;
 - A travel plan, inclusive of car club measures;
 - Sufficient affordable workspace through the incorporation of appropriate safeguarding mechanisms;
 - Necessary contributions towards amendments to the spaces within the controlled parking zones and removal of rights for parking permits for future residents and business users;
 - Necessary contributions towards the local public transport capacity and accessibility.
 - Necessary contributions towards local play provision
 - Affordable housing


That the Head of Planning is delegated authority to issue the decision notice and impose informatives pursuant to the following matters:

Informatives

- CIL liability

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 informatives or to vary the reason for the refusal) 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

 Brent	Planning Committee Map
Site address: Land at 370 High Road and 54-68 Dudden Hill Lane, London, NW10	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is
indicative
only.

PROPOSAL IN DETAIL

Demolition of existing buildings and erection of 5 mixed use blocks ranging from 4 to 10 storeys plus basement levels, comprising; 245 residential units at 1st to 9th floors, and light industrial floorspace (Class B1c), food retail floorspace (supermarket) (Class A1), gym (Class D2), nursery (Class D1), commercial units (units 7 and 9) (flexible use for Class A1, A2, A3, D1 and/or B1c) and HA office (Class B1a) at basement, ground and part 1st floors, together with associated vehicular access, car and cycle parking spaces, bin stores, plant room, substations, landscaping and amenity space (Amended description)

EXISTING

The site has an area of 0.93 hectares and is bounded by the Sapcote Trading Centre to the north, Colin Road to the south, Dudden Hill Lane to the east and High Road to the west. The site is currently occupied by a number of industrial units including a heavy plant hire business, storage facilities for haulage equipment and scaffolding and a MOT station/Used car sales garage. There are three retail units located on the southern side of the site adjacent to the Colin Road/High Road junction. A tyre garage located on Colin Road that does not form part of the site proposal. The surrounding area contains industrial units to the north, an undesignated shopping parade to the east and south and residential properties to the east, west and south. The site is also located within a Locally Significant Industrial Site (LSIS).

Residential units in the form of two storey terraced properties are located on the southern boundary of the site on Colin Road. Residential properties are also found along Dudden Hill Lane and High Road. The height of the buildings in the area is generally two/three storeys however there are a number of examples of taller buildings located to the west on the approach to Church End and to the north-east on Dudden Hill Lane. The site is not located within a conservation area and does not contain any listed buildings. The site has a Public Transport Accessibility Level (PTAL) of 5 with Dollis Hill underground station located approximately 160 metres to the north-east and regular bus services to Church End, Neasden and Willesden.

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 - 24 supporting comments and 23 objections were received as well as one objecting petition (containing 12 names) and one neutral comment were received following two rounds of public consultation. It is considered that the proposal does not accord with planning policy, and would fail to deliver the degree of benefits necessary to outweigh the harm.

Principle of use - The forms part of site allocation (BSSA4) which is considered suitable for co-location development. The site is currently occupied by warehouses and workshops and the proposal would re-provide industrial floorspace whilst also providing 245 new homes and further retail, commercial and community floorspace.

Affordable homes / unit mix - The proposal would deliver 65% affordable housing with the tenure split weighted heavily towards Shared Ownership (35:65 by habitable room and 32:68 by unit). However, the development would not deliver the maximum reasonable amount of London Affordable Rented units. The unit mix includes 18% family housing of which 24 of the 43 provided would be within the London Affordable Rented tenure. Having regard to this and the impact that the provision of additional private family sized homes on Affordable Housing provision, the provision is considered acceptable.

Design – The design is considered to be of a high quality and although the scale would be a departure from the two storey terraced buildings that characterise the wider area, the scale has been staggered in order to better respect surrounding context and is considered to be appropriate in this instance.

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 provision of a public space within the site and the proximity to nearby public open spaces is considered to mitigate the identified shortfall.

Neighbour amenity – The scale of the development would result in significant daylight impacts to some of the neighbouring properties, and the benefits of the scheme aren't considered sufficient in this particular instance to outweigh the harm associated with the impacts.

Highways – The development would provide parking for the supermarket well in excess of standards, without an appropriate pricing regime to encourage non-car access, which would encourage additional unnecessary car journeys to and from the site and from the area in general.

Trees, landscaping and public realm – There are no existing mature or protected trees that would be affected by the proposed development. Soft landscaping would be provided at ground floor level primarily in the form of trees and green walls and the proposal would represent a significant improvement in terms of both the landscaping on the site and the quality of the public realm.

Environment and sustainability – Consideration has been given to ecology and the sustainable development of the proposals and the proposal is considered to accord with policy.

Weighing of benefit and harm – the proposal would deliver a significant number of notable benefits including the provision of new homes, including a high overall number of Affordable homes, Affordable workspace and significant improvements to the public realm and the quality of buildings and spaces on the site. However, while those benefits are acknowledged, there are a number of divergences from policy and guidance, including the under-provision of London Affordable Rented homes. In this instance, the benefits are not considered to outweigh the harm.

RELEVANT SITE HISTORY

None of relevance

CONSULTATIONS

2 rounds of consultation were carried out commencing on 17/09/2018 on receipt of the original application and again on the 02/07/2020 following the receipt of amended plans. 1876 neighbouring properties have been notified and at the time of writing this report 24 supporting comments and 23 objections were received as well as one objecting petition (containing 12 names) and one neutral comment. The following tables summarise the objections to the scheme

Objection	Response
Development due to scale, form and materials would be out of keeping with the character of the area which consists of low rise houses/shops	Discussed in main body of the report.
258 new properties housing approximately 800 residents would overwhelm the area	The site is within an accessible location with access to shops, services and public transport connections. The CIL collected to the development would go towards local infrastructure improvements.
No provision is made for the infrastructure required to support this number of new residents to ensure sufficient school places or GP health facilities	The development is CIL liable meaning monies would be collected which would be put back into the provision of local infrastructure development.
Plans only provide 66 car parking spaces for 258 flats which is grossly deficient	With the exception of disabled parking, there would be no residents car parking with the

	residents subject to a car free agreement prevent future residents from obtaining parking permits. Within areas that are accessible to public transport "parking permit restricted" developments are encouraged.
Car free agreements don't deter car ownership and residents do own cars which puts pressure on already limited parking and leads to unacceptable congestion and decline in air quality and difficulties for existing residents	The surrounding areas are subject to parking restrictions and therefore parking enforcement. Residents would not be eligible for parking permits and this has been shown to be effective in discouraging car ownership.
Development would encourage more ASB and crime in the immediate streets as the towns would provide new opportunities for criminal activity	The MET Police were notified of the application and have no objection to the proposal subject to a small facility to be provided on site dedicated to neighbourhood police officers which the applicant has agreed to. No evidence has been provided to demonstrate the development would result in ASB or crime.
2018 SHMA indicates there is a high need for family housing and of the 258 units planned on 13.95% will be family sized	The revised proposal increases family housing to 18%. This provision is discussed in the main body of the report.
Concerned for small shops on Dudden Hill Lane due to the shops proposed as part of the development and would not like to see local businesses wiped out by corporate brands	The applicant has submitted a Retail Impact Assessment to support the application and justify the retail provision. This is discussed in detail in the main body of the report.
Affordable artisan studios which were proposed have been changed to commercially rented workshops	100% of the workspace is proposed as affordable with the space targeted towards small and micro sized businesses.
Main entrance to the development would be via Dudden Hill lane and through a busy car park which is neither welcoming nor safe	Whilst the limitations to this entrance are noted, improvements have been made during the course of the application which are discussed in detail in the report.
Increased pressure on local bus and train services	TfL have been consulted on the application and have raised no objection at this stage, although contributions may be requested towards public transport.
Brent is very crowded and we don't need more people to make the situation worse	The need for additional homes is established at a national, London and local level and the Draft London Plan proposes an increase in the housing targets for the borough. The site is allocated for co-location development (workspace and new homes) and the site is considered appropriate in principal for housing, subject to other planning requirements detailed within the report below.
The re-development will cause greater traffic congestion and a decline in air quality	Discussed in the main body of the report.
Changing character of neighbourhood which would see the family centric character of the area changed	The development provides 18% family housing on site. Although this falls below the policy threshold the acceptability is discussed in greater detail in the main report.
Buy to let properties do not facilitate a sense of community and contribute to a disproportionate	The LPA has no control over the sale of the market dwellings.

number of properties with transient tenants	
Opposed to the volume of rental accommodation within the development and the one bedroom private units are likely to be snapped up by buy to let landlords	There is a need for one bedroom homes, both for sale and rent. The type of housing on offer is discussed in greater detail in the main report.
Not learning lessons of the part in terms of the detrimental impact of high rise council estates which are a hotbed of crime and ASB	The development is a modern, mixed tenure, co location development which has been assessed against up to date policies and guidance.
The development would have a detrimental impact on the amenity space of 364 High Road	Discussed in main body of the report.
Development should be car free and 66 spaces are excessive for location	Discussed in the main body of the report.
The development would encroach onto the land of 364 High Road	The site location plan outlines the area to be developed. The application form has provided details of the landowners of the site which appear to be accurate and no evidence has been provided to contradict this.
The development would result in considerable loss of light to neighbouring properties	Discussed in main body of the report.
A lot of the jobs created are likely to be of low quality	The proposed development would generate employment opportunities in various different sectors and it is not considered they would be of a low quality.
The quality and quantum of external space in the development will be low and there is already a lack of green space in the area	Discussed in the main body of the report.
Supermarket is too big and will encourage a lot of cars to the area	Discussed in the main body of the report.
The high proportion of affordable housing inevitably means a large proportion of occupants with limited means which is unlikely to contribute towards effective regeneration of area	The development provides affordable and market housing targeting people of different means to create an inclusive form of development. The provision of high quality affordable housing is also considered to be a contributor to appropriate regeneration.
The over provision of one and two bedroom homes will result in Brent residents having to move if they cannot meet their housing needs	The housing mix is discussed in detail in the main body of this report.
Development will block light and create privacy issues to the Trading Centre to the rear of the site	Daylight and privacy standards primarily relate to residential properties. The impact of the development is not considered to have a critical impact on the function of the neighbouring site.
Building site will impact on noise, traffic vibrations and will cause cracks and damage to existing Victorian properties	Some disturbance is inevitable with most building works. Measures are encouraged to minimise the potential adverse impact on neighbouring properties. Other legislation primarily ensures that construction works are carried out within reasonable times and the neighbouring properties are protected from damage.
No consultation with local residents prior to the submission of the application	Whilst the LPA advise developers to carry out pre- submission consultation with local residents, there is no statutory requirement to do

Comments in support

Development would provide a much needed regeneration of this part of the High Road which has been neglected.

Ground floor shows the creation of a vibrant retail hub which would be a positive addition

Would bring much needed housing and job opportunities

Allows further opportunities for local businesses

Existing site contributes to the dilapidated negative environment on Dudden Hill Lane

Land is very much underutilised and the development would provide housing, community services and creative opportunities.

The nursery would be a huge asset to working parents who travel on the Jubilee line daily

The supermarket would be a huge asset and a convenient place for local residents to shop rather than having to travel to large supermarkets in nearby towns

An offer of 65% affordable housing is a very strong offer and should be viewed kindly

Development would result in a higher percentage of Willesden Residents using public transport

More residents would likely lift the amount of custom to local businesses

A budget supermarket would be useful for residents and help to cut car journeys. It would also aid financial inclusion - this part of the ward has many residents on modest incomes who are charged high prices in convenience stores

Community space is already very much available nearby

The proposal to provide a crossing point is very much needed

The gym would be a welcome addition as there is no such facility within walking distance in the area

London has a major housing shortage and we must be prepared to break with the past to solve it and therefore 9 storeys is not obtrusive in this location

High rise development is proven to result in improvements to surrounding areas in terms of foot traffic to shops, restaurants and general high street appearance.

Would encourage investment and development

Neutral comment/suggestions

Masterplan options should not form part of the approved drawings as specific options shown are not deliverable

Double glazing and or a mechanical or passive ventilation system should be secured by condition to ensure acceptable internal noise levels

There should be no expectation that the other sites within the wider LSIS will make up any perceived loss of industrial capacity across the wider LSIS

The new public square would be better placed towards the tube station as it would be more inviting

Arrangements for watering should be made and the planting scheme should provide colour and blossom and art/sculptures should be considered

Should be a massive increase in trees to counter the pollution

In the context of the emerging site allocation for the wider LSIS the proposed development would make up a large proportion of the indicative capacity. Any planning permission should not prevent other sites within wider LSIS from being optimised for residential development

POLICY CONSIDERATIONS

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

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

Key policies include:

London Plan 2016

2.13	Opportunity Areas and Intensification Areas
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
3.9	Mixed and balanced communities
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private residential and mixed use schemes
3.13	Affordable housing thresholds
4.4	Managing industrial land and premises
5.2	Minimising carbon dioxide emissions
5.10	Urban greening
5.13	Sustainable drainage
5.15	Water use and supplies
5.21	Contaminated land
6.9	Cycling
6.13	Parking
7.1	Lifetime neighbourhoods
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
7.14	Improving air quality

Brent Core Strategy 2010

CP1	Spatial Development Strategy
CP2	Population and Housing Growth
CP11	Burnt Oak/Colindale Growth Area
CP19	Strategic Climate Change Mitigation and Adaptation Measures
CP20	Strategic Industrial Locations and Locally Significant Industrial Sites
CP21	A Balanced Housing Stock

Brent Development Management Policies 2016

DMP1	Development Management General Policy
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
DMP14	Employment Sites
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 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.

Key relevant policies include:

Draft New London Plan

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city
GG4	Delivering the homes Londoners need
GG5	Growing a good economy

GG6	Increasing efficiency and resilience
SD1	Opportunity Areas
D1	London's form, character and capacity for growth
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D8	Public realm
D9	Tall buildings
D12	Fire safety
D13	Agent of Change
D14	Noise
H1	Increasing housing supply
H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
S4	Play and informal recreation
E4	Land for industry, logistics and services to support London's economic function
E6	Locally Significant Industrial Sites
E7	Industrial intensification, co-location and substitution
G5	Urban greening
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI5	Water infrastructure
SI13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T4	Assessing and mitigating transport impacts
T5	Cycling
T6.1	Residential parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning

Draft Local Plan

DMP1	Development management general policy
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH2	Priority areas for additional housing provision within Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BE1	Economic growth and employment opportunities for all
BE2	Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS)
BGI1	Green and blue infrastructure in Brent
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
BSUI2	Air quality
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
BT4	Forming an access on to a road

The following are also relevant material considerations:

The National Planning Policy Framework 2019
Planning Practice Guidance including the National Design Guide
SPD1 Brent Design Guide 2018

DETAILED CONSIDERATIONS

Principle

Chapmans and Sapcote Industrial Estate (BSSA4)

1. The site forms part of the Church End Growth area, and has been identified as part of a strategic area for regeneration.
2. The draft local plan site allocation identifies the site as a Local Strategic Industrial Site, for mixed use housing, industrial and supporting community uses, with an indicative capacity of 200 housing units over 5-10 years.
3. A masterplan to incorporate intensification of the Chapman Park, Sapcote and Burnley Road Parade parts of the site allocation BSSA4 is under the final stages of development to support policy BSSA4. The site allocation states that piecemeal development which would prejudice the delivery of the wider masterplan will be refused.
4. In order to demonstrate that the re-development of this site would not jeopardise the re-development potential of the masterplanned area, the applicant has submitted their own indicative masterplan. This demonstrates that the wider LSIS would retain coherence if this scheme standards alone, but also that the adjacent parts of the LSIS could potentially come forward as future phases of a comprehensive co-located employment and mixed re-development.
5. The re-development of this site is therefore acceptable in principle and is unlikely to prejudice the delivery of the wider site allocation.
6. *Re-provision of industrial floorspace*
7. Policies E4, E6, E7 of the draft London Plan and BE2 of the Draft Local Plan recognise that there may be potential within LSIS for industrial intensification and co-location with residential and other land uses, subject to certain criteria. This includes securing no net loss of industrial capacity (defined as either the existing industrial and warehousing floorspace on site, or the potential floorspace that could be accommodated on site at a 65% plot ratio) and ensuring adjacent industrial activities are not compromised and appropriate design mitigation measures are secured in line with the Agent of Change Principle.
8. The existing site is predominantly used for open air storage and industrial activities and includes a two storey warehouse building (1423 sqm) together with a 507sqm MOT garage. As such the total existing industrial floorspace on the site is 1930sqm. Although this is substantially lower than the 65 per cent plot ratio which would result in a total of 5,845sq.m of industrial floorspace in this instance.
9. The original application submission proposed 1037sqm of light industrial floorspace in Class B1(c) use and 804sqm of flexible employment floorspace in either light industrial (Class B1(c) use) or office (Class B1(a) use). In response to the feedback on the proposed uses and the fact that the B1(a) space proposed would be unable to contribute to the quantum of replacement industrial capacity (and therefore there would be a significant loss in industrial capacity) the scheme was revised to shift the focus on employment provision towards Class B1(c) light industrial use.
10. This B1(c) space therefore accounts for 1868sqm floorspace and comprises creative light industrial "makerspace" studios and workshops suitable for small and micro sized businesses, artists and artisans. Whilst there would be a marginal net reduction of industrial floorspace of 62sqm, this is on balance considered acceptable given the improved quality of workspace that it being provided. Whilst the idea of converting some of the proposed retail/commercial floorspace to B1(c) to increase the total floorspace was discussed, the applicant has stated that this is not possible due to the fact that the retail floorspace

has an important role in assisting the overall viability of the proposed scheme. While the proposal would only result in a relatively minor loss of industrial floorspace (around 3%) the proposal would result in a significant reduction in Industrial Capacity (i.e. the 65% plot ratio discussed above). Whilst the proposal does not accord with London Plan policy in this respect, the benefits of the proposal must be weighed against the harm. The provision of around 4,000 sqm of additional industrial floorspace would significantly impact scheme viability and thus Affordable Housing. Furthermore, the provision of the industrial space as Affordable workspace (discussed below) also represents a benefit of the scheme. The council must carefully consider the policies and associated objectives of the development plan as a whole when evaluating this balance

11. During the course of the application the design and layout of the proposed light industrial floorspace has been revised and comprises taller floor to ceiling heights and natural daylight. Lifts serving the light industrial floorspace initially appeared to be the same size as residential cores shown have been enlarged to ensure that they are more suitable for the use of the light industrial occupiers. There were also concerns regarding the B1(c) floorspace being more akin to B1(a) office space. However, the applicant set out their approach with the view that the drawings are conceptual and it is considered that conditions could reasonably be attached if the application were to be recommended approval for detailed specification for the industrial floorspace (layout and fit) to ensure it is suitable. Agent of Change principles have been incorporated, in terms of sound insulation and mitigation and the orientation of windows. Details of the noise mitigation strategy would be secured by condition if the application were to have been recommended approval.

Affordable workspace

12. Draft Policy BE2 seeks 10% of employment floorspace to be affordable workspace in redevelopment of LSIS sites. This is reinforced in draft London Plan Policy E3.
13. As initially submitted, the proposed light industrial space was stated to be let at 50% of market value according to the applicant's initial FVA but there was insufficient clarity regarding the lease/disposal of the space to a recognised workspace provider. However, during the application process, the applicant formally proposed to provide all of the industrial space as Affordable workspace at a 50% discount to market rates. The applicant has expressed their willingness to secure the workspace as affordable workspace by definition via legal agreement
14. If the application were to recommended approval, it has been demonstrated that the development could deliver affordable workspace in compliance emerging draft Local Plan Policy BE2 and E3 of the London Plan.

Housing

15. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation.
16. The draft London Plan proposes increasing housing targets for London boroughs with the target number for Brent set to increase from 1,525 to 2,325 per year. Brent's emerging Local Plan seeks to focus housing growth within its growth areas and site allocations. In relation to the housing element, the proposed re-development would deliver 245 residential units, which is greater than the indicative capacity stated in the site allocation. The development would therefore contribute to the delivery of London's housing requirements and the Council's minimum housing target in line with London Plan Policy 3.3, draft London Plan Policy H1, and emerging policy BH1 of Brent's Local Plan.

Retail and community use

17. The other uses on site comprise food retail floorspace (supermarket) (Class A1), gym (Class D2), nursery (Class D1), commercial units (units 7 and 9) (flexible use for Class A1, A2, A3, D1 and/or B1c) and office (Class B1a).
18. In order to justify the retail use outside of a town centre location the applicant has submitted a retail impact assessment which concludes that the proposed supermarket is not likely to have a significant

impact on the vitality and viability of nearby town centres. The assessment also concludes that the impact of the other town centre uses would be minimal and would complement rather than negatively impact nearby centres. A sequential test has been undertaken which concludes that there are no sites in the locality that are better placed as alternatives. The provision of retail space in this out of town location can therefore be accepted.

19. In relation to the community use, this comprises a nursery with a floor area of 528sqm. As stated the Sapcote Estate allocation refers to the site being suitable for mixed use housing, employment and supporting community uses. The provision of a nursery would therefore be consistent with the expected use of this site.

Housing mix and tenure

Tenure

20. The applicant's revised application proposes 245 new homes (reduced from 258 residential units originally proposed). The updated accommodation schedule proposes 65% affordable housing by habitable room and unit. The Affordable Housing tenure split would be 35 Affordable Rented homes: 65 Intermediate by habitable room (32:68 by unit) and is therefore weighted towards Shared Ownership.
21. 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.
22. 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.

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:

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.

23. 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.
24. These policies allow 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 are not eligible for the threshold approach must be accompanied by a Financial Viability Assessment.

25. Brent's emerging Local Plan has yet to receive a response after examination in public and as such the adopted policy DMP15 policy 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.
26. The development proposes 245 residential units, comprising 85 private units, 113 shared ownership units and 47 London Affordable Rented homes. As such the applicant's affordable housing offer provides 65.3% affordable housing by unit and of that figure 70.6% are shared ownership properties, and 29.4% London Affordable Rented properties. The tenure split therefore reverses the requirement under DMP 15 which seeks to secure 50% affordable housing on a 70:30 split affordable housing weighted in favour of affordable rented product.
27. The unit size and tenure mix is detailed below

	1 bed	2 bed	3 bed	4 bed	Total
Private	25	54	6	0	85
London Affordable Rent	14	9	22	2	47
Shared Ownership	48	51	14	0	113
Total	87	114	42	2	245

28. A Financial Viability Assessment (FVA) is required to demonstrate that the proposal would deliver the maximum reasonable proportion of Affordable Housing on a policy compliant tenure split. An FVA has been prepared on behalf of the applicant by Bidwells and submitted in support of the application.
29. *Initial offer*
30. The initial offer was on the basis of the initial workspace proposal, and did not include the additional workspace that is now proposed. Bidwells provided a Benchmark Land Value (BLV) based on the sites existing use value plus a landowners premium of 20% resulting in a BLV of £10,752,000.
31. On the basis of this assumption, Bidwells appraisal concluded that a policy compliant scheme (delivering 50% affordable housing with a 70:30 split) generates a financial deficit of £3.9 million against the BLV. By contrast, the applicants proposed accommodation mix with 66% affordable housing on a non-policy compliant tenure split is shown to be capable of delivering a land price of 9.15 million below the BLV.
32. Further testing was carried out by Bidwells to find the maximum reasonable level of affordable housing on a policy compliant tenure split. Bidwells concluded that 33% Affordable Homes could be provided if a policy compliant housing mix was proposed, which would equate to 80 affordable units of which 56 would be London Affordable Rented units (13 more than proposed) and 24 Shared Ownership units (89 less than proposed)
33. This position has been rigorously tested by BNP on behalf of the Council.
34. Following the evaluation of the scheme and discussions regarding the assumptions associated with the appraisal (such as the industrial yield as part of the Existing Use Value, the capitalisation rate for the supermarket as part of the proposed Development and the developer profit level), BNP advised that they considered the Benchmark Land Value to be £10.528 million, marginally below the value established by Bidwells
35. BNP undertook further appraisals of the proposed development to establish the quantum of affordable housing that could be provided, if the scheme as to provide a policy compliant tenure split. The analysis showed that the proposed development could deliver a total of 39.59% Affordable housing (comprising 69 London Affordable Rent homes and 28 shared ownership homes) which would generates an RLV of £10,638,648 providing a surplus of £110,648 against the agreed viability benchmark., On this basis, the

Council considers that the scheme could viably deliver 22 additional London Affordable Rented homes than are proposed.

36. Furthermore as not all assumptions had been agreed between both parties, BNP also carried out a sensitivity analysis adopting all of the Applicants appraisal assumptions. The proposed development with 33.88% affordable housing (61 London Affordable Rented homes and 22 shared ownership units) generates an RLV of £10,713,150 providing a surplus of £185,150. Therefore as a worst case scenario, BNP concluded that the scheme could viably deliver 14 additional LAR homes. Therefore while it was concluded that the proposal would represent the maximum viable amount of Affordable Housing on the mix that was proposed (weighted towards Shared Ownership homes), if the headline (total) affordable housing level was reduced, the number of London Affordable Rented homes, could increase significantly. The Affordable Housing Offer did not reflect policy which gives greater weight to the significant need for lower rental Affordable Homes in the borough.

Updated FVA

37. Further to the BNP appraisal results, the applicant amended their FVA to offer all of the workspace as affordable workspace and therefore at 50% discount to market rates. Bidwells retained all of BNPs assumptions and updated the appraisal to accommodate the increased affordable workspace provision. The appraisal concludes that the proposed non policy compliant offer of 66% affordable housing results in a minor deficit of £158,000. Bidwells also provided an appraisal demonstrating a policy compliant tenure split could viably deliver 35% affordable housing comprising 60 London Affordable Rented HOMES and 26 Shared Ownership homes. BNP has confirmed that Bidwells numbers are correct and agrees with the outcomes of both appraisal summaries.

Conclusion

38. The Brent Strategic Housing Market Assessment 2018 identified a need for 42,000 additional homes between 2016-2041. Using a limit of 33% of gross household incomes to be spent on rent/mortgages, affordable housing comprises 52% of that need. Of the affordable need identified 85% was for social rent (council house type rents) and 10% was for London Living Rent (pegged at a percentage of median incomes). Just 5% was for people able afford to between that and 80% of median local rents (typically these people might seek to buy shared ownership units) .Whilst the headline figure provided by the applicant, being 66% affordable housing, is well in excess of the 50% overall target set out in DMP 15 and emerging policy BH5 , this figure is weighted heavily in favour of intermediate product (shared ownership units) and therefore the proposal is not in accordance with this policy. As stated above, the SHMA identifies that intermediate products are essentially unaffordable to 95% of those in affordable housing need and are more likely to be occupied by people who have a choice within the market for alternative accommodation e.g. market rent.
39. The final offer presented by the applicant shows that even with 100% affordable workspace and on a policy compliant tenure split the development could reasonably deliver 13 additional London Affordable Rented homes which would help the most specific needs of the borough. Whilst this would be at the expense of a large proportion of intermediate units, there is far less need for this type of housing.
40. Given that primary need in the borough is for LAR homes (as reflected in adopted and emerging policy) the overprovision of Intermediate Housing and other benefits of the scheme are not considered to be of sufficient benefit to outweigh the harm associated with the under-provision of affordable rented homes to meet local need.

Housing Size Mix

41. In terms of the family sized dwellings, 43 of these are proposed (41 x 3 bed and 2 x 4 bed). Policy CP2 of Brent's Core Strategy outlines that at least 25% of new homes within the borough should be family sized (3 bedrooms or more). The scheme proposes 18% family housing which falls below the required threshold. However of the 43 proposed, 24 of these would be within the Affordable Rented tenure, which equates to 56% of the Affordable Rented Homes. Whilst the failure to meet the 25% target is noted, given the high proportion of affordable family housing provided within the scheme and the impact that the provision of additional private family sized homes would have Affordable Housing Provision, the benefits of the additional Affordable Housing is considered to outweigh the harm associated with the under

provision of family sized private homes and the overall provision is considered acceptable in this case.

Quality of accommodation

42. Policy DMP18 states that the size of the dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. Draft London Plan Policy D6 also sets out minimum space standards for new dwellings. The development includes the creation of 245 residential units all of which would meet or exceed technical space standard requirements for their respective size and occupancy levels.

Layout and aspect

43. Of the 245 units proposed, 91 are proposed to be dual aspect, which equates to around 37% of the total. Whilst the proportion is relatively low there would be no single aspect north facing units and nearly all of the family units would be dual aspect. Where single aspect units are proposed, given the buildings have run north - south, the majority of these units face either east or west, avoiding both north facing flats and habitable rooms. The internal arrangement of the units ensures that good levels of daylight would be able to permeate habitable rooms, thus ensuring a pleasant environment for future occupants. Whilst the overall form of the building, creates some habitable rooms within less conventional room shapes, overall the quality of accommodation is considered to be to a good standard. The submission shows the floor to ceiling heights would meet the Mayoral SPG and emerging policy target of 2.5m. The scheme generally accords with the London Plan target of no more than 8 homes per floor per core. However, a number of flats accessed via cores C1 (floors 3-6) and D1 (floors 2-7) have 9 homes per core. Nevertheless, this minor exceedance of the target is not considered likely to result in noticeable reductions in levels of social cohesion compared with the cores that achieve the target of 8, and the quality of accommodation is considered to be good.

Privacy

44. SPD1 seeks to ensure adequate privacy by requiring an 18m separation distance between overlooking habitable room windows/ balconies. The separation between blocks D and C and B and C would be in excess of the 18m required. Whilst separation distances would not be met between blocks A and B (which achieves a separation distance of 10m), the windows to the rear elevation of block A are secondary windows or windows serving non habitable rooms and therefore any privacy issues could be overcome by conditioning the windows to be obscure glazed and non-opening.
45. Whilst projecting balconies are proposed which reduces the separation distances between blocks, these have been arranged so that there is no direct overlooking and therefore the privacy of residents would be safeguarded.

Daylight/Sunlight

46. An Internal Daylight, Sunlight and Overshadowing Report to assess the light received by the proposed rooms within the development has been submitted with the application. All habitable rooms have been assessed for Average Daylight Factor (ADF). The results show that the proposal would provide a very high standard of compliance with the recommended targets, commensurate with a high density urban development of this type. The report has taken a sample of 61 rooms and assessed them against ADF targets. The results show that 59 of the 61 rooms rested meet the guidance of 1.5% ADF in the living room, 2.0% ADF in the kitchen and 1.0% ADF in the bedroom. Additionally, all units have been assessed for sunlight and the results demonstrate that the units have been designed in order to allow sunlight to enter at least one habitable room for part of the day.
47. Internally, the quality of accommodation is considered to be of a good standard.

External amenity provision

48. Policy DMP19 and emerging Policy BH13 state that 50sqm of external amenity space should normally be provided for family sized units (3 plus bedrooms) at ground floor level and 20sqm for all other units. The policy sets out that this should be in the form of private external amenity space but recognises that where this cannot be achieved, communal amenity space contributes towards the policy targets. This is a significantly higher policy standard than that specified in the Mayors Housing SPG and emerging London Plan Policy D6, which requires a minimum of 5sqm of private outdoor space for 1-2 dwellings with an

extra 1sqm to be provided for each additional occupant.

49. Private amenity space would be provided in the form of terraces and balconies. All of the units would benefit from private external space that would meet Mayors Standards being between 5sqm for the smallest units and 10sqm for the larger units. Whilst all of the properties would meet Mayors Housing Standards, the vast majority of units would fall short of the 20sqm target under DMP 19. Of the 245 units proposed, 21 units would have amenity space in excess of 20sqm which would equate to a percentage of 8% of units meeting DMP 19 requirements. The total amount of private amenity space equates to 2,732.5sqm.
50. In addition to the private amenity space, two communal roof terraces are provided at podium level (second floor) totalling 1090sqm. However, these are accessed via cores B, C1 and D1 and are not accessible by all homes. It is also noted that the 1412sqm of shared public amenity space within the new public square is also proposed. However, as this area also serves as the access to many of the flats and the workspace, additional hard and soft landscaping features would be required to increase its usability as open space. Nevertheless it can be given some weight and further details of the space could be secured through condition should permission be granted.
51. When considering the number and size of the units, DMP 19 and the fact that there are no family units at ground floor that would generate the 50sqm requirement, the development would be expected to deliver 4900sqm of external amenity space to meet Brent policy targets. The shortfall against the targets would vary between cores, and has been calculated as follows:

Block	No. homes	Private amenity shortfall	Pro-rata communal terrace space	Resultant shortfall
A	11	152.2	0	152.2
B	33	337.8	281	56.8
C1	51	565.3	565.3	0
C2	47	525.2	0	525.2
D1	66	771	243.7	527.3
D2	34	427	0	427
E	3	10.7	0	10.7
Total	245	2778.5	1090	1699.2

52. If the shared public space is taken into account, this would reduce the deficit down from 1699 sqm to 427 sqm. The site is approximately 120 m from the Learie Constantine Open Space on Villiers Road and a similar distance to the Willesden Communal Gardens on Denzil Road (from the closest entrances within the development. Given the location and density of the scheme and the proximity to other open spaces, and giving weight to the benefits of the scheme, the shortfall in external amenity space provision is considered acceptable in this instance

Children's Playspace

53. Of the total external amenity provision, 395.sqm is to be designated as playspace for children under 5, in accordance with the Mayor's Play and Informal Recreation SPG and draft London Plan Policy S4. A child yield of 93 is expected from the development, with a child yield of 37 within this age group. On site play provision is solely directed towards this age group and totals 395sqm. The playspace would be provided in at podium level and would include a mix of soft landscaping, more durable play surfaces, seating shading and play equipment.
54. No on site playspace would be provided within the development for older children. However, the SPG and draft Policy S4 enable consideration of the use of offsite provision of play area facilities for children. For children aged 5-11 facilities within a 500m walking distance and for 12 and above, facilities within an 800m walking distance may be taken into account. Smaller open spaces can be found on Villiers Road (Learie Constantine Open Space) and on Denzil Road both of which are a short walking distance from the subject site. Whilst the development fails to secure appropriate play space for children over 5, if this

application were recommended approval the absence of this could be appropriately mitigated through a financial contribution towards additional play provision in the local area, secured via Section 106 agreement.

55. Impact on neighbouring properties

Privacy

56. SPD1 requires that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separate distance 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. Separation distances across streets are normally dictated by the form of development in the area.

57. In terms of privacy, Block B would be positioned to the rear of the properties on Colin Road. Owing to the orientation of the building, the flank wall would sit adjacent the rear boundaries of these properties. A number of the windows to the flank elevation are primary windows to habitable rooms. SPD 1 states that directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. In this case Block B would be positioned 14m from the rear boundaries of Colin Road and the total distance between overlooking windows would be no less than 18m. The separation distance would therefore ensure that the privacy of the residents of Colin Road would not be unduly impacted as a result of the development.

30/45 degree rules

58. SPD 1 states that in order to protect neighbouring amenity, the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of 2m. Where proposed development adjoins private amenity/garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, also from a height of 2m.

59. The residential buildings that share a common boundary with the site include 2a to 20 Colin Road. The rear gardens of these properties are modest and have a particularly high boundary treatment to the rear (approx. 3.8m). When taken at the height of the existing boundary treatment, the development would not breach the 45 degree rule and therefore would be acceptable in this regard.

60. There is a distance of approximately 21m from the rear elevations of 8-14 Colin Road and Block B which is a five storey nearest the boundary. In relation to the 30 degree rule, the development would comply when considered in relation to the rear windows of the properties on Colin Road.

61. In relation to the 30 degree rule, when considered in relation to the 364 High Road this breach would be significant, however, the distance between the rear windows of this property and the site is minimal and therefore any additional massing would like breach this guidance.

62. 2:1 guidance

63. SPD 1 states that the 2:1 guidance that is that new buildings and extensions do not extend further beyond the neighbouring building line that half the distance to the centre of the nearest habitable room. In this case Block E would extend more than 3m in depth directly along the boundary with no. 20 Colin Road. Although no detailed elevations have of this neighbouring property have been submitted the nearest habitable room window would be no more than 2m from the boundary with this neighbouring property which would restrict the height of the extension to 1m in depth. However, it is noted that Block E has been designed to replicate the relationship of the existing building positioned along the boundary with 20 Colin Road. Therefore whilst this aspect of the proposal would fail to comply with SPD1, the existing situation on site would not be worsened and as such the development is considered acceptable in this respect.

64. Daylight

65. SPD 1 states that new development should ensure a good level of daylight, sunlight and outlook through the day and year and to minimise the impact on surrounding properties and spaces. Brent supports the

use of 'Site Layout planning for daylight and sunlight: a guide to good practice' produced by BRE.

66. The applicant has submitted a daylight/sunlight assessment in support of their application. The report uses two principle measures of daylight for assessing the impact on properties neighbouring a site, namely Vertical Sky Component (VSC) and Average Daylight Factor (ADF).
67. Vertical Sky component is the measure of a direct skylight reaching a point from an overcast sky. The BRE guidelines state that if the VSC at the centre of a window is less than 27% or 0.8 times its former value, then the reduction in skylight will be noticeable and the existing building may be adversely affected.
68. Average Daylight Factor (ADF) is a measure of the overall amount of diffuse daylight within a room. BRE guidance states that acceptable ADF values, are 1% for a bedroom, 1.5% for a living room and 2% for a kitchen.
69. It should be noted that whilst there is a third method of assessment (No Sky Line) this has not been used as the room layouts are not known.
70. In determining applications, the Mayors Housing SPD states that BRE guidance should be applied sensitively to higher density development in London, particularly central and urban settings, recognising the London's Plans strategic approach to optimise housing. It goes on to state that the guidance should not be applied rigidly without carefully considering the location and context and standards experienced in broadly comparable housing typologies in London.

364 High Road

71. This is a first floor unit, where the rear boundary borders the subject site. Two windows have been assessed, serving habitable rooms. It should be noted that the windows experience very high levels of VSC in the existing situation due to the lack of obstruction and therefore any massing would likely create reductions that appear more severe. Nevertheless in this case, the percentage reduction to these rooms would be 68.61% and to 78.83%. When considered in relation to the sense of enclosure and loss of outlook due to the proximity of the building identified above, there are concerns regarding the impact of the development on the amenity of this property.

362 High Road

72. This property contains 5, one bedroom units. Two of the units within this building, have all their habitable rooms facing Colin Road and therefore the subject site. The ground floor unit with sole habitable room windows facing the site would experience VSC losses to the living room of 45.32% and the bedroom would experience losses of 37.74%. The first floor unit would experience VSC losses of 43.49% and the bedroom would experience 38.30%. The development would result in a significant reduction in natural light to both of these properties. The ADF results are also significantly harmful, with all windows falling below targets. When considering these properties only have a single aspect outlook the overall impact on the living conditions of the occupiers would be severe and the development would therefore fail to ensure good standards of internal amenity in compliance with policy DMP1.
73. There are three other units within this building. However, the main habitable rooms front High Road. Whilst additional windows are found to the flank elevation, these serve the kitchens of the units and are not separate rooms. Whilst the losses to these kitchen areas would also be between 33- 43% and these rooms would also be served by BRE compliant windows and as such are less of a concern.

2 Colin Road

74. In relation to 2 Colin Road, all windows to the rear projection would suffer major losses. The ground floor rear windows are indicated to serve a kitchen and the first floor window serves a bedroom. All VSC losses to these rear windows would be in excess of 40%. ADF would also be reduced below target levels.

65-73 (odds.) Dudden Hill Lane

75. These properties are two storey terraced buildings with commercial units at ground floor with residential above. The submitted report identifies that the front windows to all of these properties would experience losses well beyond BRE targets. Given the relatively small nature of these units it can be assumed that all

windows serve habitable rooms, although the specific use of the room is unknown. In terms of VSC the losses to the front windows would be well in excess of the 20% losses considered unnoticeable in BRE guidance being in excess of 40%. When considered in relation to ADF, the losses would be slightly reduced and with the front facing windows, which clearly read as primary habitable room windows being between 35% and 37%.

76. A number of other surrounding properties have been assessed as part of the application and the results are more positive than those specified above, even though the majority fall below the BRE targets they do not experience major losses in line with those discussed above.

4-20 Colin Road (evens.)

77. 2 Colin Road has already been identified as experiencing major daylight losses to the rear habitable room windows. When considering the other properties in this terrace, the losses would be less acute but still notable.

1-23 Colin Road (odds.)

78. With regards to 1-23 Colin Road, the vast majority of windows would meet BRE guidance with reductions being no more than 20% the former value. Where greater losses are identified, these losses are largely experienced within rooms that are served by multiple openings, with other windows passing. The daylight losses to these properties are therefore expected to be significant for occupants of these properties and the overall impact would not be significantly harmful.

399- 425 High Road (odds.)

79. In relation to the properties on High Road, 399-407 and 421-425 High Road would meet BRE standards in relation to VSC, or would very marginally exceed the 20% loss considered acceptable. Whilst losses in excess of 20% would be experienced by 409 High Road and 411 High Road, these would not be excessive, when considered the existing massing on site and the scale of the proposed development. Further testing shows that the windows in these properties would pass BRE requirements for ADF. Therefore when considering the results in combination and having regard to the existing situation on site, the losses experienced to these properties are considered acceptable.
80. In relation to 413-419 High Road, the VSC losses for the majority of the windows would experience losses between 30-38% and therefore well in excess of the 20% losses which BRE guidance states would be unnoticeable to occupants. However, again all of the windows would meet ADF targets. When considering the losses and the fact that losses would only be experienced to front facing windows, the losses are considered acceptable.

49-61 Dudden Hill Lane

81. In relation to these 49-59, these are first floor residential units above commercial premises. The VSC results show that for the most part losses would be below 20%. Whilst there would be some isolated examples of losses in excess of 20% this would not be significant. When considered in conjunction with the ADF results which all meet targets, the impact of the development on this property is considered acceptable. In relation to no. 61 Dudden Hill Lane, this is served by bay windows at ground and first floor. The average VSC loss to the ground floor window is 26% and to the first floor window is 22%.

75-81 Dudden Hill Lane

82. These properties comprise first floor units above ground floor commercial units. The vast majority of rooms within this terrace would meet BRE targets for VSC. Whilst there would be some isolated breaches, these would be marginally in excess of the 20% losses. Further ADF testing of these windows shows positive results and therefore the impact on the overall living conditions of the occupiers would not be significantly harmful.

356-360 High Road

83. Four windows have been tested at 356-360 High Road, and none of these would suffer VSC losses in excess of 20%. Daylight losses would therefore likely be unnoticeable to the occupants of these properties.

Sunlight

84. In relation to sunlight, the BRE recommends that the APSH (Annual Probable Sunlight Hours) received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter.
85. All rooms with windows orientated within 90 degrees due south experience fully BRE compliant changes in Annual and Winter Sunlight hours, with the exception of one window at 61 Dudden Hill Lane. However, this window forms part of a bay, where the other windows pass therefore not having any significant impact on the room that the window serves.
86. The situation in relation to sunlight is therefore acceptable.

Conclusion

87. The results demonstrate that a large number of properties would experience material losses in daylight. Whilst noting that the BRE guidelines state that a 20% reduction in VSC results in a materially noticeable change, it is appreciated that the location of the site and its relatively undeveloped nature would mean that it would be difficult to achieve such limited reductions in light to all neighbouring windows, whilst optimising the site's potential. Nevertheless, whilst a degree of flexibility can be applied to the guidance, there remains concern that a number of neighbouring properties would experience major daylight losses in excess of 40%. This is particularly concerning for those units that are single aspect where acute reductions are experienced to all main habitable rooms i.e. in the case of 362 High Road.
88. Whilst the applicant has referred to what they consider to be broadly comparable residential typologies in other parts of London (as suggested by the Mayors Housing SPD) each proposal must be considered on its merit and this is considered insufficient justification. Any LPA is required to weigh up the impacts of the scheme including those on surrounding properties, with its wider benefits. As already identified above, the development fails to deliver a substantial proportion of London Affordable Rented product due to the adopted tenure split. In this respect, the development fails to secure sufficient benefits that would help to outweigh the identified harm experienced to a notable proportion of surrounding residential properties.

Character and appearance

89. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, being sympathetic to local character and history, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. Further detailed design principles are set out in Chapter 7 of the London Plan and Chapter 3 of the draft new London Plan, and in Brent's Policy DMP1 and the Brent Design Guide SPD1. Draft Local Plan Policy BD1 also seeks a high standard of design quality, and more specific guidance on tall buildings is given in draft new London Plan Policy D8, and Brent's draft Policy BD2 and draft Tall Buildings Strategy.
90. The site and the surrounding units form the proposed site allocation BSSA4: Chapman's and Sapcote Industrial Estate. The site itself occupies the eastern area of the site allocation and largely comprises low level industrial units. Other than surrounding industrial uses which form part of the wider site allocation located to the north and northwest, the site is surrounded by two storey terraced housing on Colin Road and High Road and two storey mix used terraced buildings along Dudden Hill Lane. It is for this reason that the site allocation highlights the need for development to be sensitive to its impact's on the amenity of surrounding properties and to step down to an appropriate scale.

Layout

91. The proposed layout is based around four north south orientated blocks. Each of the four blocks (A-D) would comprise commercial uses on the ground and first floor with residential above. An additional four storey block (Block E) is proposed to adjoin 20 Colin Road to replace a building of a similar scale.
92. The main retail unit (supermarket) would be positioned along Dudden Hill Lane allowing for a more continuous retail frontage. The entrance to the proposed gym, as well as the residential Blocks A and B would also be from Dudden Hill Lane to ensure a more continuous active frontage to this road, although it is noted there would be a slight break in this due to the proposed vehicular access.

93. The residential entrance to Block E and a retail unit adjacent to 364 High Road, as well as the entrance to the nursery would also provide improved active frontage to Colin Road. Although this activity would be intercepted by the placement of two substations and an emergency exit.
94. A courtyard area is proposed to the west of the site opening up at the junction of Colin Road and High Road with continuous active frontages provided to its perimeter. Residential entrances, office reception areas, nursery entrances, retail units and cafes seek to create a vibrant, secure and well activated public space.
95. The awkward space created by the retention of 364 High Road at the edge of the site has been addressed through the erection of a green wall, which screens the flank wall of this adjoining building, with the adjacent space being dedicated to cycle parking.

Height, bulk and massing

96. The scale of the development would evidently represent a significant change from the surrounding context which primarily consists of two storey terraced dwellings. Nevertheless, it is accepted that the development would optimise the development potential of the site.
97. The height, roofline and appearance of the development is varied in order to provide visual interest and avoid the scheme appearing a single mass of development in local or wider townscape views. The rooflines would be angled create a slated/edged appearance. Furthermore, whilst of notable scale the massing of the scheme has been staggered in order to better respect the residential properties on Colin Road, whilst ensuring that the taller elements of the scheme strengthen the townscape character and legibility along High Road and Dudden Hill Lane.

Design and detailing

98. In terms of materials, these design and access statements refers to these being chosen to respond to the immediate environment and reference the industrial history of the site.
99. Brick is proposed to all of the areas that face the street, the courtyard and the elevations facing the neighbouring industrial estate. In order to contrast with this and provide some relief from the bricks facades a bronze metal panel is introduced to the centre of the site. This is with the aim of visually distinguishing between the blocks and reducing mass and bulk.
100. The proposed balconies to the brick facades would be metal cladding to match the inner blocks with metal balustrades infilling brick piers forming the recessed balconies. Where projecting balconies are proposed the balustrades would be consistent with those that are recessed. The balconies proposed to the metal clad buildings would be glass. Smaller detailing such as copings, trims and rainwater pipes match the metal cladding.
101. Coloured glazed tiles would be introduced to at lower levels to enhance the attractiveness of the voids beneath overhanging blocks and areas of blank frontage adjacent the supermarket car parking.
102. So as to not jeopardise the future redevelopment potential of Sapcote Industrial Estate, there are no windows positioned to the north elevations of the proposed development. In order to ensure some articulation in the absence of any fenestration, a textured facade has been adopted which ensures an element of interest.
103. In terms of the commercial and employment spaces, the ground and first floor would be visually differentiated using double height units with floor to ceiling glazing, bronze metal panels and windows frames and would be set within a simple grid structure of brick columns.

Landscaping

104. Due to the existing use of the site, there is currently no greenery on site. In relation to landscaping proposal, there are large designated areas of green space at ground floor level. Instead the scheme incorporates a number of green walls totalling 347sqm. These are positioned along the entrance from Colin Road and around the car parking area, and the rear boundaries of the properties on Colin Road. In addition to the green walls, the scheme also incorporates 25 new trees across the public courtyard and car parking area as well as raised planters throughout the public courtyard to provide further greening.
105. In addition the ground floor proposals, additional planters and hedgerow planting is proposed as

second floor level as well as 155m2 of green roof at third floor level.

Pedestrian Access

106. Pedestrian access is proposed from the High Road, Colin Road and Dudden Hill Lane. Pedestrian access as initially proposed was through the site from Dudden Hill Lane through the car park to High Road which was proposed to be accessible at all times. However, a number of concerns were raised that this would not appear to be a very safe route through the site, particularly at night due the amount of dead frontage. Further information on this route has been submitted by the applicant to ensure its safety. It has been confirmed that the pedestrian route would only be open during business hours of the supermarket and outside of these hours the gates positioned at Dudden Hill Lane and under Block C will be locked with only disabled residents having access to a key fob. Outside of the supermarket operating hours, pedestrians and residents would have to access residential cores and other commercial uses via the High Road Courtyard. Further information of the management strategy for the access gates could be requested by condition in the event of an approval. When open, landscaping, paving and a generous footpath width would ensure the pedestrian route is well defined for users.

Heritage

107. London Plan Policy 7.8 and Policy HC1 of the draft London Plan states that development should conserve heritage assets and avoid harm. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. This states that all planning decisions should 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The NPPF re-enforces this by stating that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.
108. The site is not located within a conservation area and does not contain any listed buildings or structures and there are no conservation areas or listed buildings within the immediate vicinity of the site. The site's wider context includes Willesden Jewish Cemetery and Willesden Green Conservation Area is located approximately 700m to the south along Dudden Hill Lane. The applicant has undertaken a Townscape and Visual Impact Assessment detailing views in which the development would be partially visible or closest view points to illustrate the impact of the building. On the basis of the assessment submitted, the development would not harm the setting of either the Willesden Green Conservation Area or Willesden Jewish Cemetery.

Transport

109. Car Parking

110. The location of the site means that the lower residential and employment car parking standards set out in the adopted DMP 2016 currently apply.
111. The reduced total of 245 residential units would therefore be allowed up to 204 car parking spaces, with the supermarket again allowed 18 spaces, the smaller retail units now allowed six spaces and the employment floorspace again allowed two spaces. This gives a total allowance to 230 spaces for the amended scheme. The revised provision of 67 spaces is therefore again well within the maximum allowance for the development as a whole.
112. The absence of spare on-street parking capacity in the area means that a 'car-free' agreement is required for the flats to ensure that overspill parking does not lead to parking problems in the wider area. This has been agreed by the applicant.
113. For disabled parking, draft London Plan standards would require at least eight car parking spaces to be wide bays marked at the outset for disabled residents of the flats, with the scope to increase provision to 25 spaces in future if demand warrants. The revised plans show seven wide spaces (18-24) for the flats initially. At least one further space is therefore required.

114. The applicant has shown resistance to providing disabled parking in accordance with minimum London Plan standards though, on the basis that an accessible Car Club space will be provided on Colin Road. Whilst this might help to reduce demand for further spaces above the initial 3% provision, it is not accepted as a reason not to provide the initial 3% standard of eight spaces.
115. The applicant has stated that it is not possible to provide the additional space without affecting the landscaping, although it should be noted this assumes that all other spaces must be kept available for the retail use. Nevertheless, the monitoring of car park usage is proposed with retail spaces to be re-allocated as residential disabled spaces if surplus to requirements. If permission were to be granted, it is considered that retail spaces would need to be re-allocated to residential blue badge use if required, and that this would be necessary to ensure that the proposed development did not result in an equalities impact. If permission were to be granted, this could be captured through the Section 106 legal agreement.
116. Of the remaining 59-60 spaces for the non-residential uses, four are shown as wide disabled parking spaces, which more than satisfies the requirement that 5% of public spaces be reserved for Blue Badge holders. As before though, the remaining 55-56 standard width spaces significantly exceed the maximum allowance of 26 spaces for all non-residential floorspace set out in the current DMP.
117. As previously noted, Policy DMP12 does allow additional public parking to be provided where trips cannot be accommodated on public transport, as long as this is supported by a Transport Assessment and as long as charging is in line with existing on- and off-street parking charges for the area. The submitted Car Park Management Plan proposed free parking for up to two hours though, which does not accord with parking charges in the wider area and so would not be acceptable. Further the applicant has also shown resistance to applying pay and display parking charges to the spaces to fit in with general town centre parking charges in the area, so the scheme would be likely to undermine the Council's own parking strategy which looks to encourage non car access and the proposed parking arrangements would encourage additional unnecessary car journeys to and from the site and Willesden generally.
118. The applicant has instead justified the excess retail parking on the grounds that the proposed supermarket requires this level of parking to be viable, with reference made to a similar development in South London where a relaxation to parking standards was allowed. However, it is noted that the parking numbers proposed in this case are twice those provided for a recent similar development in Alperton by the same retail operator, where the PTAL value is lower than for this site. The suggestion that the scheme would not be viable with a lower level of parking therefore cannot be accepted.
119. Furthermore, since the submission of the application in 2018, the Draft Local Plan has received Full Council approval and has been submitted to the Secretary of State for approval. This now therefore carries more greater weight and in terms of residential, retail and employment car parking, would expect a development in an area with a PTAL rating of 5 such as this to be 'car-free' (aside from disabled parking). The proposal is therefore likely to become further out of kilter with car parking standards in the near future.
120. As previously noted, setting down and collection of children at the nursery by car can be accommodated in new and existing on-street pay and display bays in Colin Road, although the CPZ should help to discourage car use amongst parents anyway.
121. As before, a total of 15 of the proposed car parking spaces (three residential & 12 commercial) are shown with electric vehicle charging points, which is confirmed as being in line with London Plan standards, although all remaining spaces will need passive provision to comply with proposed New London Plan standards. This has been confirmed by the applicant.

Cycle parking

122. With regard to bicycle parking, the reduction in the number of flats reduces the residential requirement to 405 long-term and seven short-term spaces. For the various commercial uses, at least 38 long-stay and 50 short-stay spaces are now required.

123. As before, internal bicycle stores at ground and basement levels (with lift access) and external bike stands are proposed. The total storage capacity for 504 long-stay and 66 short-stay spaces, plus provision for oversized bicycles/tricycles etc., meets requirements and the layouts of the stores are acceptable. Shower/locker/changing facilities should be provided for the employment space.

Servicing

124. In terms of servicing arrangements this includes the provision of a full-size loading bay to the rear of the supermarket with access through the car park, which is fine subject to suitable lighting being provided (which could be conditioned). Tracking has been provided to show that vehicles can reverse into the bay and banksmen should be on hand to assist with this, given the reversing in will be from a public area.

125. As initially submitted no marked provision for servicing of the other residential and commercial units was shown. In order to address this, it was initially recommended that a loading area be marked at the southern end of the car park supplemented by a loading bay in the footway of High Road fronting the entrance to the central courtyard. However, it has subsequently been confirmed that all deliveries will be made from within the site, with a central loading bay provided for all other units (apart from the foodstore). A Delivery and Servicing Management Plan would be used to spread the use of the bay across the course of the day. The managed approach is acceptable in principle and as such the request for an on street bay along the High Road frontage would not be required.

126. The layout of the site complies with standard dimensions for car parks, with the additional aisle width in the main part of the car park accommodating access by delivery vehicles. Details of lighting have been provided, which confirm that average illuminance of 36 lux (uniformity 0.26) will be provided for the external car park and 123 lux (uniformity 0.52) for the undercroft area of the car park. These exceed the recommended minimum standards of 20 lux and 75 lux respectively, so could be reduced if desired.

127. The entrance from Dudden Hill Lane is retained close to its existing location, which provides suitable sightlines in each direction. This entails the shortening of the bus stop markings though, which has been agreed in principle with London Buses.

128. Improved 6m kerb radii are to be provided so that 16.5m long articulated lorries do not need to cross the centre line of Dudden Hill Lane when turning left into and out of the site, tracking diagrams have been submitted to this end, although they would straddle the whole width of the car park access road.

129. Gates are proposed at the car park entrance set 5m from the highway boundary, which is acceptable provided they are kept open throughout normal trading hours. The headroom through Block A is shown at 5.4m, to accommodate delivery vehicle access.

Access

130. The provision of a public pedestrian route through the site is very much welcomed to improve the permeability and movement through the area.

131. To accommodate onward movement towards Dollis Hill Underground station and eastbound bus stops, a zebra crossing is proposed in Dudden Hill Lane to the east of the site access to replace an existing pedestrian refuge.

132. Further works are also proposed in Colin Road, including the construction of a speed table at its junction with High Road to improve pedestrian access to the site and the provision of speed cushions along the street to keep traffic speeds down. As a number of existing access to the site will be removed, amendments to provide additional on-street parking bays within the local CPZ will also be made. If the application were recommended approval Highways works would be secured through a S38/S278 Agreement.

133. One of the new spaces in Colin Road is also proposed to be marked for use by a Car Club to support the development. The developer has been liaising with an accessible Car Club provider to ensure the

vehicles are available to disabled Blue Badge holders, which would help to avoid any need to provide additional Blue Badge parking spaces in the site in the future.

134. The Car Club itself would need to be promoted to residents through the Travel Plan and this would need to include the offer of free membership to new residents for a minimum two year period to introduce them to the concept which could be secured via a legal agreement.

Transport Assessment

135. To consider the likely impact of the proposal, surveys of similar uses across London and the UK have been examined and aggregated together.
136. This exercise predicts that the development as a whole will generate 401 person trips in the morning peak hour (8-9am), 602 trips in the evening peak hour (5-6pm) and 1,115 trips in the Saturday afternoon peak hour (4-5pm). These have then been broken down by mode. As the residential, employment and gym uses are to be car-free, minimal vehicular traffic is expected to be generated by those uses. Only the supermarket and nursery are therefore likely to generate significant numbers of vehicle trips.
137. Estimated vehicular trips for the supermarket have been based on surveys at four other sites in the UK, only one of which is in London. There is concern that by not including certain sites (such as a very comparable site in Catford, on the basis that the survey was for vehicles only), the vehicular trip rate has been underestimated by about 25%, particularly on weekdays. However, this is balanced by the fact that the calculation also assumes that all trips are new on the network, whereas some trips (estimated at 30% generally) will be passing the site anyway so are already on the wider road network. The overall vehicular trip prediction for the supermarket is therefore considered to be realistic.
138. Trips for the nursery are based on two surveys for other nurseries in the UK and the results are considered to be realistic for this site too.
139. Existing vehicular movements into and out of the site have then been deducted from the totals and the resultant vehicle trips (48 arrivals/38 departures in the am peak (8-9am), 61 arrivals/75 departures in the pm peak (5-6pm) and 95 arrivals/90 departures in the Saturday peak (4-5pm)) have been added to the road network with distribution to the east and west based upon assessments of the local catchment area.
140. Existing flows along Dudden Hill Lane have also been adjusted to reflect predicted growth in background traffic by the predicted year of opening, at the time of submission which was 2022.
141. The operation of the site access junction and the signalised junction of Dudden Hill Lane and High Road have then been tested using industry standard software for the three peak weekday and weekend periods.
142. For the site access, the maximum predicted ratio of flow to capacity (rfc) calculated was 0.40 for traffic turning right out of the site on a Saturday afternoon. This is well within the maximum recommended value of 0.85 and the junction is therefore considered capable of operating without causing any undue delay.
143. The junction model for the Dudden Hill Lane/High Road junction was thoroughly checked against video observations to ensure it accurately represents existing conditions, so it is considered to be robust.
144. For the worst-case scenario of traffic flows growth up to the year 2022 and development traffic added through the junction on existing cycle times, the model shows a maximum degree of saturation (DoS) of 85% (against a maximum recommended value of 90%) and practical reserve capacity of 5.2% for the Saturday afternoon peak hour. Weekday peak hour operation showed practical reserve capacity rising to 15%-20%. As such, the junction has been demonstrated to be able to comfortably accommodate predicted future traffic flows from the development.
145. With regard to travel by other modes, the development is predicted to generate 78 bus journeys in the am peak hour (8-9am), 91 in the evening peak hour (5-6pm) and 240 in the Saturday afternoon peak hour (1-2pm). With about 90 bus service per hour passing close to the site, this generally equates to an average of about one passenger per bus during the week and three passengers per bus on a Saturday.

146. The average additional loadings are relatively low due to the large number of bus services, but TfL would have final confirmation that the services do have sufficient spare capacity to absorb the extra demand. In the case there is not sufficient space capacity, a financial contribution would be sought.
147. A Supplementary Transport Assessment Note submitted in August 2020 with the amended drawings. This largely covers issues relating to parking, but does also provide a further assessment of the impact of the development on Dollis Hill station and Jubilee line services.
148. The revised assessment predicts that the development will generate 57 journeys (19 arrivals/38 departures) in the am peak hour (8-9am) and 99 journeys (56 arrivals/43 departures) in the evening peak hour (5-6pm). As before, this would equate to less than two passengers per train during the weekday peak hours, which is not considered to be significant, although it would be up to TfL to confirm that there is sufficient spare capacity available and if there is not a financial contribution would be sought.

Travel Plan

149. To help to support the low level of parking proposed on site and promote alternative travel options, separate Travel Plans have been submitted for the residential, workspace and commercial units.
150. These are all to be managed by their own Travel Plan Co-ordinator (there will need to be close liaison between all three) over a five year period.
151. Measures are to include the provision of travel information across noticeboards, welcome packs etc., participation in sustainable travel promotional events, promotion of Car Clubs and car sharing and management of the car parks and delivery areas.
152. The aim for the three Travel Plans will be to keep car journeys by residents and staff to below 1% of the total journeys, which should be easily achieved due to the 'car-free' nature of the development and the presence of a CPZ in the area.
153. Progress towards the targets would be monitored biennially for the first five years of occupation of the site using i-TRACE compliant surveys and potential remedial measures have been identified should targets not be met.

Construction Logistics

154. If the application were to be recommended approval Construction Logistics Plan would also again be required prior to works starting. This would allow an appropriate details to be agree to help minimise disruption during construction.

Sustainability and energy

155. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy CP19 and draft Local Plan Policy BSUI1, 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 person per day. Major commercial floorspace is required to achieve a BREEAM Excellent rating and this also needs to be appropriately evidenced.
156. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy 5.2 and emerging London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions. For non-domestic floorspace, the policy target is a 35% on-site reduction, and this is to be evidenced separately in the Energy Assessment. Draft Policy SI2 also includes specific targets for energy efficiency measures and applies the zero carbon standard including 35% reduction in on-site emissions to both residential and commercial development.

Carbon emissions

157. The Energy Assessment and Sustainability Strategy submitted sets out how the London Plan energy

hierarchy has been applied, using energy efficiency measures and renewable energy. On the basis of the assessment, an on-site reduction in CO₂ emissions of 63% beyond 2013 Building Regulations compliant development is expected on the residential element of the scheme and a saving of 55% on the non-domestic element. This exceeds the minimum expectations for on-site carbon dioxide savings as set out in Policy SI2 of the draft London Plan.

158. Using the energy hierarchy, the applicant has achieved the reductions through 'Lean' measures such as building fabric, reduced air permeability, efficient heating services and control systems and energy efficient lighting and 'Green' measures including the installation of air source heat pump systems for space and domestic hot water heating and PV installation ensuring reductions in regulated CO₂ emissions from on-site renewable sources. Whilst the use of 'Clean' measures and therefore the inclusion of a site wide heating system was investigated with potential options being connection to an area wide lower carbon heat distribution network, a site wide heat network or a CHP system, this was not considered practicable for the development.
159. A BREEAM Pre-assessment has been carried out, indicating a minimum rating of 'Excellent' for the commercial and industrial units, in compliance with Policy CP19 and draft Policy BSUI1.
160. If the application were to be recommended approval Revised Energy Assessments would be secured at detailed design and construction stages, together with a financial contribution to Brent's carbon offsetting scheme to achieve zero carbon development (this is predicted to be £167,252, based on the submitted details, however an improved on-site carbon performance would result in a lower level of contribution). A Post-Completion Certificate to evidence the BREEAM Excellent rating would also be secured.

Flood risk and drainage

161. The Environment Agency flood map shows the site to be located within Flood Zone 1 and is located in Flood Zone 3a for Surface Water flooding. A Flood Risk Assessment and Drainage Strategy has therefore been submitted to demonstrate that the proposed development would be safe and would not increase flood risk in the surrounding area. The NPPF classifies the vulnerability of different forms of development to flooding, with residential development classified as 'more vulnerable', which is considered appropriate in Flood Zone 1. Further guidance on flood risk is set out in London Plan Policy 5.12, draft London Plan Policy SI12, Brent's Policy DMP9A and draft Policy BSUI3. London Plan Policy 5.13, draft London Plan Policy SI13 and Brent's Policy DMP9B and draft Policy BSUI4 set out principles for sustainable drainage strategies to be provided for major developments.
162. Through the proposed strategy the applicant proposes to achieve a greenfield run off rate by restricting surface water run off levels in excess of 12 litres per second for likely storm events within a 100 year period, with a 40% allowance for climate change. This would provide a significant improvement on the existing run off rate of 130 litres per second. As initially submitted this was to be achieved solely through the provision of attenuation storage beneath the proposed car park. Following requests further SuDs measures have been incorporated including green/blue roofs, green walls and permeable paving.
163. The approach to flood risk and drainage would comply with the relevant policies and is considered to be acceptable.

Environmental considerations

Noise

164. A noise impact assessment has been submitted, demonstrating that noise limits within the site would comply with British Standards. To ensure any plant is maintained within acceptable noise levels a conditions could be used if planning permission were to be granted.

Air quality

165. An air quality assessment including an air quality neutral assessment has been submitted, and has been accepted by Environmental Health officers. No conditions are required to ensure acceptable air quality, although a Construction Management Statement would be requested by condition if the application were to be recommended approval.

Contaminated land

Use	Floorspace on completion	Eligible* retained floorspace	Net area chargeable at rate R	Rate R: Brent multiplier	Rate R: Mayoral multiplier	Brent sub-total	Mayoral sub-total
Page 123							

	(Gr)	(Kr)	(A)	used	used		
Shops	2206		2120.06	£40.00	£0.00	£126,446.14	£0.00
Either B1, B2 and / or B8	1868		1795.22	£0.00	£0.00	£0.00	£0.00
Assembly and leisure	1583		1521.33	£5.00	£0.00	£11,342.04	£0.00
Non-residential institutions	528		507.43	£0.00	£0.00	£0.00	£0.00
Dwelling houses	21690		20844.97	£200.00	£0.00	£6,216,266.46	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	334	
Total chargeable amount	£6,354,054.64	£0.00

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – REFUSAL

Application No: 18/3498

To: Ms Considine
DP9
100 Pall Mall
London
SW1Y 5NQ

I refer to your application dated **05/09/2018** proposing the following:

Demolition of existing buildings and erection of 5 mixed use blocks ranging from 4 to 10 storeys plus basement levels, comprising; 245 residential units at 1st to 9th floors, and light industrial floorspace (Class B1c), food retail floorspace (supermarket) (Class A1), gym (Class D2), nursery (Class D1), commercial units (units 7 and 9) (flexible use for Class A1, A2, A3, D1 and/or B1c) and HA office (Class B1a) at basement, ground and part 1st floors, together with associated vehicular access, car and cycle parking spaces, bin stores, plant room, substations, landscaping and amenity space (Amended description)

and accompanied by plans or documents listed here:

1123-A-P-001	Site Location Plan
11123-A-P-010	Existing Ground Floor
11123-A-E-020	Existing Dudden Hill Lane Elevation
11123-A-E-021	Existing Colin Road Elevation
11123-A-E-022	Existing High Road Elevation

11223-A-P-101 Rev R - Ground floor plan
11223-A-P-102 Rev P - First floor plan
11223-A-P-101 Rev O - Second floor plan
11223-A-P-104 Rev M - Third floor plan
11223-A-P-105 Rev M - Fourth floor plan
11223-A-P-106 Rev M - Fifth floor plan
11223-A-P-107 Rev M - Sixth floor plan
11223-A-P-108 Rev M - Seventh floor plan
11223-A-P-109 Rev K - Eighth floor plan
11223-A-P-110 Rev G - Ninth floor plan
11223-A-P-111 Rev C - Roof plan

11223-A-E-140 Rev F - Elevations Y and Z
11223-A-E-141 Rev F - Elevations X and Y
11223-A-E-142 Rev E - Elevations V and U
11223-A-E-143 Rev E - Elevations S and T
11223-A-E-144 Rev D - Elevations Q and R

11223- A-S-122 Rev H - Sections U and V
11223- A-S-121 Rev E - Sections U and V
11223- A-S-120 Rev D - Sections Y and Z

11123-A-P-201	Flat Type 01
11123-A-P-202 Rev A	Flat Type 02

11123-A-P-203	Flat Type 03
11123-A-P-204 Rev A	Flat Type 04
11123-A-P-205	Flat Type 05
11123-A-P-206	Flat Type 06
11123-A-P-211 Rev A	Flat Type 11
11123-A-P-212 Rev A	Flat Type 12
11123-A-P-213	Flat Type 13
11123-A-P-214	Flat Type 14
11123-A-P-215	Flat Type 15
11123-A-P-216	Flat Type 16
11123-A-P-220	Flat Type 20
11123-A-P-221 Rev A	Flat Type 21
11123-A-P-222 Rev B	Flat Type 22
11123-A-P-223 Rev A	Flat Type 23
11123-A-P-224 Rev A	Flat Type 24
11123-A-P-225 Rev A	Flat Type 25
11123-A-P-226 Rev A	Flat Type 26
11123-A-P-227 Rev B	Flat Type 27
11123-A-P-228	Flat Type 28
11123-A-P-229 Rev A	Flat Type 29
11123-A-P-230	Flat Type 30
11123-A-P-232	Flat Type 32
11123-A-P-233	Flat Type 33
11123-A-P-234	Flat Type 34
11123-A-P-236	Flat Type 36
11123-A-P-237	Flat Type 37
11123-A-P-238	Flat Type 38
11123-A-P-239 Rev A	Flat Type 39
11123-A-P-240 Rev A	Flat Type 40
11123-A-P-241 Rev B	Flat Type 41
11123-A-P-242 Rev A	Flat Type 42
11123-A-P-243 Rev A	Flat Type 43
11123-A-P-244	Flat Type 44
11123-A-P-245	Flat Type 45
11123-A-P-245	Flat Type 45
11123-A-P-246	Flat Type 46
11123-A-P-247	Flat Type 47
11123-A-P-248 Rev A	Flat Type 48
11123-A-P-249 Rev A	Flat Type 49
11123-A-P-250 Rev B	Flat Type 50
11123-A-P-251	Flat Type 51
11123-A-P-252	Flat Type 52
11123-A-P-253 Rev A	Flat Type 53
11123-A-P-254 Rev A	Flat Type 54
11123-A-P-255	Flat Type 55
11123-A-P-256	Flat Type 56
11123-A-P-257	Flat Type 57
11123-A-P-258	Flat Type 58
11123-A-P-259	Flat Type 59
11123-A-P-260 Rev A	Flat Type 60
11123-A-P-261 Rev A	Flat Type 61
11123-A-P-262	Flat Type 62
11123-A-P-263 Rev A	Flat Type 63
11123-A-P-264 Rev A	Flat Type 64
11123-A-P-265 Rev A	Flat Type 65
11123-A-P-266 Rev A	Flat Type 66
11123-A-P-267 Rev B	Flat Type 67
11123-A-P-268	Flat Type 68
11123-A-P-269	Flat Type 69
11123-A-P-270	Flat Type 70
11123-A-P-271	Flat Type 71
11123-A-P-272	Flat Type 72
11123-A-P-273	Flat Type 73

11123-A-P-274	Flat Type 74
11123-A-P-275	Flat Type 75
11123-A-P-276	Flat Type 76
11123-A-P-277	Flat Type 77
11123-A-P-278 Rev A	Flat Type 78
11123-A-P-279	Flat Type 79
11123-A-P-280	Flat Type 80
11123-A-P-281	Flat Type 81
11123-A-P-282	Flat Type 82
11123-A-P-283	Flat Type 83
11123-A-P-284	Flat Type 84
11123-A-P-285	Flat Type 85
11123-A-P-292	Flat Type 92
11123-A-P-296	Flat Type 296
11123-A-P-297	Flat Type 297
11123-A-P-298	Flat Type 298
11123-A-P-299	Flat Type 299
11123-A-P-300	Flat Type 300
11123-A-P-301	Flat Type 301
11123-A-P-302	Flat Type 302
11123-A-P-303	Flat Type 303
11123-A-P-304	Flat Type 304
11123-A-P-305	Flat Type 305
11123-A-P-306	Flat Type 306
11123-A-P-307	Flat Type 307
11123-A-P-308	Flat Type 308
11123-A-P-309	Flat Type 309
11123-A-P-310	Flat Type 310
11123-A-P-311	Flat Type 311
11123-A-P-312	Flat Type 312

at **Land at 370 High Road and 54-68 Dudden Hill Lane, London, NW10**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **REFUSE** permission for the reasons set out on the attached Schedule B.

Date: 05/01/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Note

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.

DnStdR

PROACTIVE WORKING STATEMENT

- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The scheme does not comply with guidance.

REASONS

- 1 The proposed development would fail to deliver the maximum reasonable amount of Affordable Rented housing and would therefore fail to appropriately meet identified housing need within the borough, contrary to policy 3.12 of the London Plan (consolidated with alterations since 2011); policy DMP15 of Brent's Development Management Policies (2016) and policies H5 and H6 of the emerging London Plan (Intend to publish version 2019).
- 2 The proposed development by virtue of its siting, size and layout would be prejudicial to the amenities of neighbouring residential occupiers primarily in terms of loss of light which would not be outweighed by the benefits of the scheme. This would be contrary to Policy DMP1 of the Brent Development Management Policies 2016, policy DMP1 of the emerging Brent Local Plan (Regulation 19 version), the Brent Design Guide SPD1 (2018) and the guidance contained within the National Planning Policy Framework.
- 3 The proposed development would provide excessive retail parking for the proposed supermarket without sufficient means to promote non-car access, and would encourage unnecessary and excessive vehicular trips to and from the site and would undermine existing town centre and car parking policies which seeks to minimise car usage to achieve the sustainable transport objectives set out within the Development Plan. The development would therefore fail to comply with DMP 12 and Draft Local Plan Policy BT2 and London Plan Policy 6.13 and Draft London Plan Policy T6.3.
- 4 In the absence of a legal agreement to control such matters, the development would not secure:
 - Affordable Housing
 - Sustainability measures;
 - Job and training opportunities for local residents;
 - Necessary highway improvement works;
 - Necessary pedestrian environment improvement works;
 - A travel plan, inclusive of car club measures;
 - Sufficient affordable workspace through the incorporation of appropriate safeguarding mechanisms;
 - Necessary contributions towards amendments to the spaces within controlled parking zones and the removal of rights for parking permits for future residents and business users;
 - Necessary contributions towards the local public transport capacity and accessibility.
 - Necessary contributions towards local play provision

As a result, the proposal would fail to comply with policies 4.12, 5.2 and 3.12 of the London Plan (consolidated with alterations since 2011); policies CP1 and CP19 of Brent's Core Strategy (2010); policies DMP1, DMP11, DMP12, DMP13 and DMP15 of Brent's Development Management Policies (2016); policies E3, E11, SI1, SI2, H5, H6, T4, T6 and T9 of the emerging London Plan (intend to publish version 2019); policies DMP1, BP7, BSU1, BSUI2, BT1, BT2, BT3 and BT4 and site allocation BSSA4 of Brent's emerging Local Plan (Reg 19 Version 2019) and the guidance contained within Brent's S106 Planning Obligations SPD (2013).

INFORMATIVES

- 1 The applicant is advised that this development would be liable to pay the Community Infrastructure Levy if approved. In the event of a successful appeal, 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.

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

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