



## Planning Committee

**Monday 24 May 2021 at 6.00 pm**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

Please note that this meeting will be held as a socially distanced physical meeting with all members of the Committee required to attend in person.

Guidance on the safe delivery of face-to-face meetings is included at the end of the agenda frontsheet.

**Due to current restrictions and limits on the socially distanced venue capacity, any press and public wishing to attend this meeting are encouraged to do so via the live webcast. The link to attend the meeting will be made available [here](#).**

### Membership:

#### Members

Councillors:

Kelcher (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Dixon  
Kennelly  
Donnelly-Jackson  
Maurice

#### Substitute Members

Councillors:

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

Councillors:

Colwill and Kansagra

**For further information contact:** Craig Player, Governance Officer  
craig.player@brent.gov.uk; 020 8937 2082

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](https://democracy.brent.gov.uk)**

**The members' virtual briefing will take place at 12.00 pm.**

### **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 meeting		
None.		
<b>APPLICATIONS FOR DECISION</b>		
3. 20/2974 - 3 Millennium Business Centre & self storage to rear, Humber Road, London, NW2 6DW	Dollis Hill	5 - 24
4. 21/0686 - 14 Canterbury Road, London, NW6 5ST	Kilburn	25 - 42
5. 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 16<sup>th</sup> June 2021**

## **Guidance on the delivery of safe meetings at The Drum, Brent Civic Centre**

- We have revised the capacities and floor plans for event spaces to ensure they are Covid-19 compliant and meet the 2m social distancing guidelines.
- Attendees will need to keep a distance of 2m apart at all times.
- Signage and reminders, including floor markers for social distancing and one-way flow systems are present throughout The Drum and need to be followed.
- Please note the Civic Centre visitor lifts will have reduced capacity to help with social distancing.
- The use of face coverings is encouraged with hand sanitiser dispensers located at the main entrance to The Drum and within each meeting room.
- Those attending meetings are asked to scan the coronavirus NHS QR code for The Drum upon entry. Posters of the QR code are located in front of the main Drum entrance and outside each boardroom.
- Although not required, should anyone attending wish to do book a lateral flow test in advance these are also available at the Civic Centre and can be booked via the following link: <https://www.brent.gov.uk/your-community/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>

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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

24 May, 2021  
03  
20/2974

## SITE INFORMATION

RECEIVED	22 September, 2020
WARD	Dollis Hill
PLANNING AREA	
LOCATION	3 Millennium Business Centre & self storage to rear, Humber Road, London, NW2 6DW
PROPOSAL	Outline planning application for proposed new warehouse building located to the rear (matters to be applied: access, appearance, layout and scale)
PLAN NO'S	ee condition 3
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</a></p> <p><b><u>When viewing this as a Hard Copy _</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "20/2974" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

That the committee resolve to GRANT planning permission subject to:

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

1. Energy Assessment and Carbon Offset payment
2. Training and employment
3. 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.

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

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

### Conditions

1. Outline Time Limit
2. Reserved matters - landscaping
3. Approved Plans
4. Details of materials
4. Overheating analysis
5. Non road mobile machinery
6. BREEAM Interim Stage Certificate
7. Post construction stage review
10. Surface water
11. Air Quality Neutral Assessment
12. Construction method statement
13. Non road mobile machinery
14. Site Investigation
15. Remediation
16. Construction Logistics Plan
17. Travel Plan
18. Car Park Management Plan
19. PV Panels
20. B8 extension
21. Thames Water
22. Access to upper floor
23. Method statement and protection plan
24. Fire statement

### Informative

1. Party Wall
2. Building near boundary
3. London Living Wage
4. Fire Safety
5. Quality of imported soil

That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or

reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

## SITE MAP

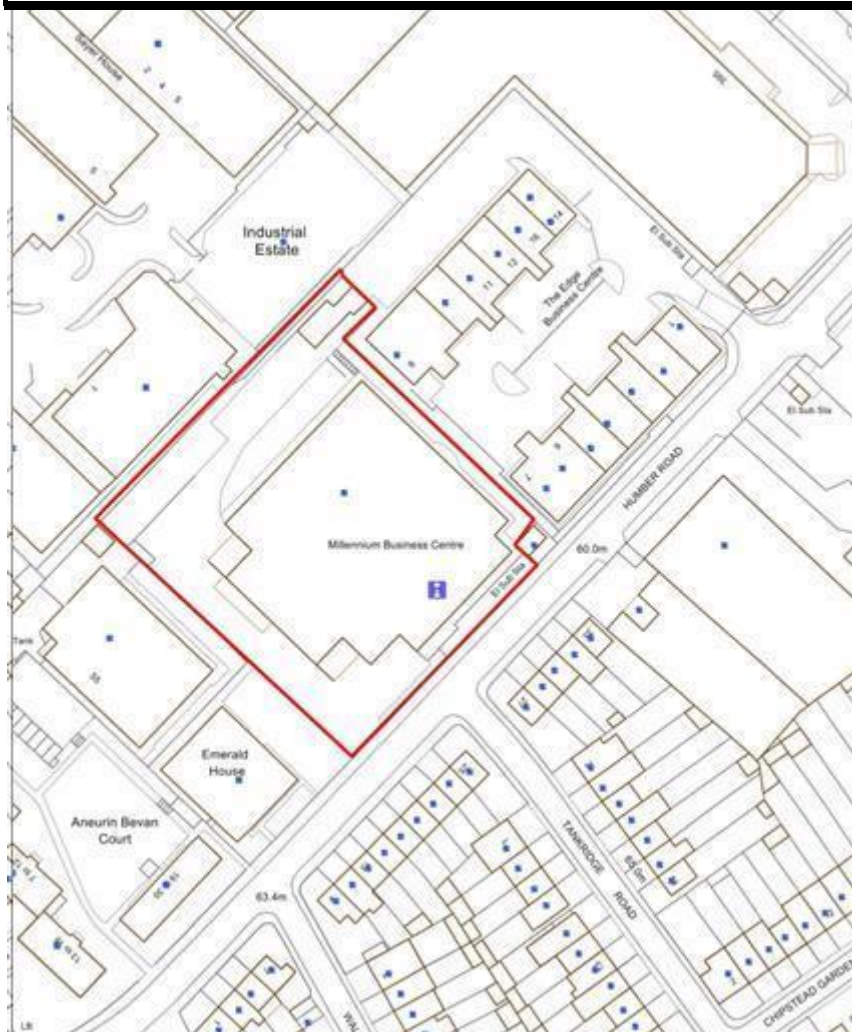


**Brent**

### Planning Committee Map

Site address: 3 Millennium Business Centre & self storage to rear, Humber Road, London, NW2 6DW

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This map is indicative only.

## PROPOSAL IN DETAIL

The application is an outline planning application for a proposed new warehouse building located to the rear (matters to be applied: access, appearance, layout and scale).

The proposed building would be two storeys with the ground floor dedicated to parking, cycle storage and access and the upper floor providing approximately 1200 sqm of B8 storage space.

## EXISTING

The site comprises a two-storey office building with a flat roof, built onto the front of single-storey warehousing units with gabled roofs, and hard surfaced surrounding areas used for parking, located on the northwestern side of Humber Road. Ground levels fall to the rear, and land to the rear of the warehouse units is partly landscaped and partly used for parking and access to a row of single-storey garage units.

The site is not in a conservation area and the building is not listed.

## SUMMARY OF KEY ISSUES

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

1. **Representations received:** 18 objections have been received and have been evaluated and discussed in this report. It is considered that the proposal accords with planning policy, having regard to material consideration, and it is recommended that planning permission is granted. .
2. **Principle** The site falls within a Strategic Industrial Location and would be an extension to the existing use providing additional B8 floorspace
3. **Design, layout and height:** The building would have a utilitarian design, which is considered acceptable for a building of this type within an industrial area. The scale is appropriate and in keeping with surrounding industrial buildings.
4. **Neighbouring amenity:** The warehouse is bounded on all sides by industrial units and would be located to the rear of the existing Business Centre. The development would therefore have an acceptable impact on neighbouring amenity.
5. **Highways and transportation:** Whilst car parking would be reduced it would still be in excess of maximum standards and cycle standards have been met. The applicant has also demonstrated that adequate servicing provision for the full sized articulated lorries can be provided on site.
6. **Trees, landscaping and public realm:** The applicant has submitted a tree report to ensure the protection of healthy trees. A tree protection plan is required by condition.
7. **Sustainability:** The development would achieve a 36.2% on site reduction on carbon emissions over Part L of building regulations, with the requirement being 35%. Carbon offsetting contributions would be secured through the legal agreement in line with GLA policy The applicant has also submitted evidence to demonstrate that the building has been designed to meet the requirements of BREEAM excellent.
8. **Flood Risk:** The application has submitted a drainage strategy which is considered acceptable subject to a condition requiring the implementation of an attenuation device to produce a 30% reduction from the current discharge outputs for surface water for the site.

## RELEVANT SITE HISTORY

### 19/0777

Full Planning Permission

Refused

Outline planning application for proposed new warehouse building located to the rear (matters to be applied: access, appearance, layout and scale)

### 19/0778

Full Planning Permission

Granted 24/04/2019

Recladding of the front elevation and repositioning of main entrance including the construction of a fixed canopy and access stairs to the office building

## CONSULTATIONS

196 neighbouring properties were notified. 18 objections were received at the time of writing this report

Objection	Response
Henfield Storage Ltd who currently lease the building were not formally notified of the application prior to submission	The applicant has signed certificate B confirming that all those who have a legal interest in the property have been notified. The legal requirement has been met
Henfield storage has no intention of leasing the additional space	This is private matter between Henfield Storage and the owner and not a planning consideration
Inconsistencies in what is actually being applied for i.e new building or extension to existing building	It is considered that the application submission documents do set out the development that is proposed and include the appropriate supporting information for this type and scale of application. A condition has been applied to ensure the development remains an extension rather than a separate business
Proposed development would result in the loss of a loading area and bays at the rear of the property and cause additional stress on the already stretched loading bay facilities compounded by the additional 1800sqm of additional floorspace	Discussed in main body of report
Car parking on site is already extremely congested and Transport Statement to accompany the planning application fails to recognise and understand the existing parking demands on site or displaced parking as a result	Discussed in main body of report
Existing occupant may have to consider position with respect to continuing operations on site and this raises concerns in relation to viability of companies to operate from site	The proposal has been considered having regard to the material planning implications. The proposed use is appropriate for its location and the proposal makes appropriate provision for parking and servicing.
The warehouse will generate more traffic on surrounding roads particularly when taking into account other development in the area	Please refer to paragraph 32 of the committee report
Loss of 30 parking spaces on site would make more difficult for residents to park	There development would not result in a loss of 30 spaces and existing provision is well in excess of standards. The applicant has provided evidence to demonstrate that the remaining spaces would be adequate and a car park management plan is requested by condition

The area is zoned a and prohibited to vehicles over 7.5 tonnes except for access and Brent council has failed to enforce this	This matter falls outside the remit of planning
Any new building is a change of use on site	The warehouse is proposed to be used for B8 storage and distribution purposes and is considered to be appropriate. It is also proposed to be an extension to the existing use and the use is to be controlled by condition
No consultation with existing occupant or surrounding residents	There is no statutory requirement to carry out pre-submission consultation although it is good practice.
The proposed warehouse would have substantial access issues	The access arrangements have been considered by Transport Officer's who consider them acceptable.
The applicant has no way of controlling the size of vehicles accessing the warehouse	Tracking has been provided to demonstrate access of various size vehicles.
Oxgate Gardens, Dollis Hill Avenue and Gladstone Park Gardens have been closed which means the traffic on Humber Road has increased with the traffic assessment making no mention of this	The application has been assessed by Brent's Transport Officers who have knowledge of the surrounding highway network. The transport assessment provides an estimation of the number of additional trips generated as a result of the development
Increased traffic would have a detrimental impact on Air Quality	The application has been accompanied by an Air Quality Assessment, and an Air Quality Neutral Assessment is required by condition.
Humber Road is already so crowded with cars that it doesn't have a clear route of entry or exit and there is only room for traffic to flow in one direction	The Transport Assessment has provided an estimate on the increased number of trips for the new development which is not considered to be at a level whereby it would have a detrimental impact on the local road network
If numerous delivery lorries arrive at the site at the same time there would be no room for them on Humber Road or within the site	A Delivery and Servicing Management Plan is requested by condition to ensure the management of deliveries
Trip generation has been taken during the pandemic and when the offices are being refurbished and therefore cannot be relied on	The Transport Assessment confirms that the figures are taken from between June to September 2019 Furthermore the TRICS data is before 01/12 - 05/19
The submission has failed to demonstrate that the site could accommodate a full sized artic vehicle and servicing arrangements would be inadequate.	During the course of the application tracking has been provided to show that the rear loading area is large enough to accommodate full sized artic vehicles

## 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 2021, Brent Core Strategy 2010, and the Brent Development Management Policies 2016.

Key policies include:

### Brent Core Strategy 2010

CP1	Spatial Development Strategy
CP19	Strategic Climate Change Mitigation and Adaptation Measures
CP20	Strategic Industrial Locations and Locally Significant Industrial Sites

### 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

#### London Plan (2021)

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city
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
D12	Fire safety
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	Car Parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning

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

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. 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. Relevant policies include

#### Draft Local Plan

DMP1	Development management general policy
BD1	Leading the way in good urban design
BE1	Economic growth and employment opportunities for all
BE2	Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS)
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
BEGA2	Staples Corner Growth Area

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  
 Brent Waste Planning Guide 2013  
 Mayor of London's Sustainable Design and Construction SPG 2014

## DETAILED CONSIDERATIONS

### Principle of development

1. Core Strategy Policy CP20 and DMP 14 protects Strategic Industrial Locations for industrial employment uses. Furthermore, the site forms part of site allocation BEGA2: Staples Corner Growth Area with the draft location plan designating the wider area for co-location and intensification subject to a comprehensive masterplan approach.
2. The site consists of offices to the front of the site and a large warehouse to the rear. A self-storage business occupies the existing warehouse to the rear of the site, and this business has access to two loading bays within the site, at the front and rear of the existing building. The proposed building would be sited immediately to the rear of the existing building, although it is understood that the two would be physically separate. Nevertheless, the submission confirms that the proposal is to provide additional B8 warehousing capacity as an extension to the existing business. Therefore given the existing use of the site, the principle of additional B8 floorspace is acceptable.

### Design and visual impact

3. Policy DMP1 requires the scale, type and design of development to complement the locality and emerging policy BD2 states that all new development must be of the highest architectural and urban design quality. Brent Design Guide SPD1 provides further advice on general design principles.
4. The surrounding area is of a mixed character, with small-scale industrial buildings on the northwest of Humber Road forming the edge of a larger industrial area and traditional two-storey terraced housing on the southeast side and surrounding side streets. Ground levels fall to the northeast, and the existing building on site is partly below street level and partly shielded by mature street trees so that its visual impact within the street scene is not unduly adverse.
5. The proposed building would be rectangular in shape and two stories in height, with a gable roof form. The utilitarian design is considered acceptable for a building of this type within an industrial area. Walls and roof materials are described as aluminium cladding and profiled aluminium cladding respectively, and further details of materials could be required by condition.
6. Due to the changing ground levels on site, the overall height of 12m would be the same as that of the existing building at the rear, whilst the shallower roof form would create sufficient height for two floors with internal heights of 4.85m and 3m respectively. The plans do not show how access to the upper floor would be obtained, and further details of this would be required by condition, to ensure the usability of the space. The building would be to the rear of the existing building, sharing boundaries with other industrial sites, and would not worsen the visual impact from the residential street scene on Humber Road.
7. The ground floor level of the building would be the same as that at the existing rear loading bay. It is noted that the existing ground levels fall further towards the northwest corner of the site. The rear of the building is currently surrounded by a grassed bank and there is dense vegetation on part of the rear boundary, and these landscaping features would be lost as ground levels would need to be raised with retaining walls to create a level surface. However, the landscaping makes no contribution to the residential street scene due to its location at the rear of the site, and its loss can be supported in this



instance.

8. Having regard to its immediate surroundings and location to the rear of the site, the development would have an acceptable visual impact on the wider locality.

### **Impact on neighbouring amenities**

9. DMP 1 seeks to ensure high levels of internal and external amenity. Supplementary Planning Document 1 (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 residential property, measured from a height of 2m. Where proposed development adjoins private amenity/garden areas of residential properties 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.
10. The proposed building would be located over 60m from the road frontage and would not impact on the privacy of residential properties across Humber Road. The 30 degree line would not be breached in respect of these properties, due to the height of the building being aligned with that of the existing building.
11. 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.
12. The site is bounded on three sides by other industrial sites within a Strategic Industrial Location and there are no windows proposed to the new warehouse building. Given the size of the building and its relationship to neighbouring residential properties, a daylight/sunlight assessment is not considered necessary.
13. The development would therefore have an acceptable impact on the overall living conditions of the occupants of neighbouring properties

### **Sustainability and environment**

14. 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 36.2% beyond 2013 Building Regulations. This exceeds the minimum expectations for onsite carbon dioxide savings as set out in Policy SI2 of the London Plan.
15. 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.
16. If the application were to be approved 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 has not been calculated at present however it should be noted that an improved on-site carbon performance would result in a lower level of contribution). An Interim and Post-Completion Certificate to evidence the BREEAM Excellent rating would be achieved is to be secured by condition.
17. Environmental Health have been consulted and note that the Air Quality Assessment and the additional vehicle movements to the site which were previously not provided have now been. However as before f an Air Quality Neutral Assessment has not been undertaken in accordance with guidance published by the Greater London Authority (GLA). This is required to be submitted by condition and should include mitigation proposals should it be found that the development is not air quality neutral.
18. Policy SI4 of the London Plan states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with a hierarchy. No overheating assessment has been submitted with the application to demonstrate how this will be properly managed in accordance with the London Plan hierarchy and as such this information is requested by condition.

19. Environmental Health have also requested conditions to require investigation and remediation of contaminated land on site, and a construction method statement to reduce the risk of dust and other environmental impacts of construction.

### **Flood risk and drainage**

20. Brent Policy DMP9b requires sustainable drainage measures for all major developments. Further guidance on flood risk is set out in London Plan Policy SI12 and SI13, draft Policy BSUI3, Brent's Policy DMP9B and draft Policy BSUI4 which set out principles for sustainable drainage strategies to be provided for major developments. The site is within Flood Zone 1 and is not within a surface water flood area, although much of the surrounding area does fall within Flood Zone 3a for Surface Water Flooding.
21. The application has been accompanied by a Drainage Strategy which has been reviewed by the Lead Local Flood Authority. In order to ensure surface water is properly managed, a condition is attached requiring the implementation of an attenuation device to produce a 30% reduction from the current discharge outputs for surface water for the site.
22. Thames Water have also been consulted on the application and have requested a condition to require confirmation and approval of the wastewater infrastructure needs of the development.
23. Subject to conditions, the development would not give rise to any increase flood risk.

### **Impact on trees**

23. The proposed warehouse building would be built close to the boundary with the adjoining premises at 55 Diesel House, Coles Green Road, and the adjoining site includes a row of mature cypress trees along the boundary that could potentially be impacted by the development.
24. An Arboricultural Impact Assessment has been submitted, demonstrating that the proposed building would sit outside the root protection areas of these trees. The Tree Officer has been consulted and has no objections, subject to a tree protection plan and arboricultural method statement being required by condition.
25. The existing building and hardstanding occupies a large proportion of the site. The proposed development would also limit the opportunities for new soft landscaping. Although limited there are some surrounding areas that could be improved and a greater variety of planting could improve the site in terms of its setting and biodiversity. When considering the existing site and the nature of its use the potential for new landscaping is acceptable and can be sufficiently addressed within a reserved matters application.

### **Transport**

26. An application for a similar development was submitted under ref. 19/0777. This was refused for three Transport related reasons which are as follows

1. *Given the lack of information provided on the existing and forecast traffic movements, including trip generation analysis and modal share, and parking demand on site, including the level of parking use by the general public, the application has failed to demonstrate that the loss of on-site parking would not lead to increased demand for on-street parking in the local area, contrary to Policy DMP12 of Brent's Development Management Policies 2016. Furthermore the application would not make adequate arrangements for the servicing of either the existing or the new building, cycle storage or bin storage on site, contrary to Policy DMP1 and London Plan 2016 Policy 6.9.*

2. *The application has failed to demonstrate that safe vehicular access into and out of the building and satisfactory use of the existing loading bay and servicing arrangements for the proposed building could be achieved based on the proposed design, contrary to Brent's Development Management Policies Plan 2016 Policies DMP1 and DMP11.*

3. *As the application has failed to demonstrate that satisfactory access to the existing rear loading*

*bay would be maintained, the proposal would compromise the existing employment use on the site, contrary to Policy CP20 of Brent's Core Strategy 2010 and Policy DMP14 of Brent's Development Management Policies 2016.*

27. The current informal parking spaces (approx. 45 no.) are proposed to be replaced with 45 marked out formal spaces, of which 3 wide spaces at the front of the building would be marked for disabled users in accordance with standards.
28. A further 11 spaces are shown parallel to the access road, with 31 spaces provided within the undercroft of the new building at the rear of the site. Swept path analysis has been submitted for these parking spaces on drawing number 002A01, but a swept path has not been provided for the parallel spaces along the access road. To allow sufficient space to manoeuvre in and out of these spaces, they should be 6m long, so only 10 spaces, rather than the 11 stated, could be accommodated to standard dimensions. 44 parking spaces are therefore to be re-provided on site.
29. As the site is located to the north of the Dudding Hill railway line, the higher car parking allowance of one space per 200m<sup>2</sup> set out in Table 3 at Appendix 1 of the adopted DMP 2016 applies. This would allow 14 spaces for the existing building, increasing to 23 spaces with the proposed extension.
30. The existing overprovision of parking within the site would therefore be reduced by this proposal, which is acceptable, but there would still be approximately twice the number of spaces allowed in the parking standard.
31. Paragraph 3.3.4 of the Transport Statement states that applicant is willing to provide a Travel Plan and Car Parking Management Plan as part of conditions on the planning consent. This is necessary and a condition is attached requesting its submission which focus to be on strategies to reduce the demand for parking spaces within the site to allow some of the spaces to be potentially removed in future.
32. Section 4 uses TRICS data to estimate existing and future vehicular movements at the site. This shows the existing site has a vehicular trip generation of 68 daily arrivals and 68 daily departures. The proposal would result in an increased daily arrival of 95 vehicular trips and 95 daily departures, with peak hour vehicular trips increasing by four vehicles. This level of additional traffic is not considered sufficient to warrant further investigation of its impact on the local road network.
33. A parking assessment was also undertaken, based on this TRICS data (as opposed to carrying out an on-site parking survey (section 5)). The data indicates a predicted demand for 37 parking spaces, with other vehicles only staying for short period. However, aerial photographs of the site for weekdays do indicate that most existing parking spaces are used. However, as above the submission of a Travel Plan and Car Parking Management Plan should help to manage demand in future.
34. The site currently has no cycle spaces. The applicant proposes a total of 31 cycle spaces, with 15 cycle spaces in the new building to the rear, 8 cycle spaces to the front of the site and further 8 spaces north-east of the building. This is more than sufficient to satisfy London Plan standards, so is welcomed, with all spaces being within a secure and covered location to protect against theft and weather.
35. A designated loading bay for a 10m rigid vehicle was initially shown to be provided. However, the servicing standards in Appendix 2 of the DMP require full-size loading bays to accommodate a 16.5m long articulated lorry. In addition, whilst the initial submission included a swept path for a 10m lorry, this was shown to be provided within the undercroft of the new building with insufficient height clearance. Nevertheless, amendments were requested during the application process with a increased height clearance of 4.8m to ensure the undercroft loading bay is useable. Furthermore, during the course of the application, vehicular tracking was also submitted for a large articulated lorry (16.5m) demonstrating that a vehicle of this size could be accommodated within the undercroft servicing bay. When in use by large articulated vehicles the remaining stretch of road would be 2.3m (wide enough to allow a car to pass) and therefore the loading bay would not hugely obstruct access and parking.
36. In addition, given the multiple occupiers of the building, a Delivery and Servicing Plan would be required for the site to ensure delivery vehicle movements are properly managed. This has been requested by condition.
37. The drawing shows a sliding gate at the entrance and it is assumed this is kept open during business hours. Vehicles waiting at the access to gain entry or issues with vehicle access / egress can cause highway safety concerns for pedestrians and road users, however two vehicles would be able to access /

egress the site safely without the need to reverse back on to the highway.

38. Finally, a Construction Logistics Plan for the site has been offered, which is welcome.
39. In conclusion, the overprovision of car parking would not be worsened as a result of this development and cycle parking standards have been met. Furthermore, during the course of the application the applicant has demonstrated that adequate servicing provision for full-size articulated lorries can be provided on site.
40. Subject to conditions the proposal would therefore have an acceptable impact on highway safety in Humber Road, in compliance with Policy DMP13 of the adopted DMP 2016

### **Fire Safety**

41. A fire statement has not been provided to support the proposal. Policy D12 requires the submission of a fire statement for all Major applications, prepared by a suitably qualified professional. This application seeks outline consent for the development, and a Reserved Matters application will be required. As such, it is recommended that a condition is attached requiring the submission and approval of a Fire Statement in line with London Plan policy D12 (B) prior to or concurrently with the approval of the Reserved Matters

### **Equalities**

42. 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 also 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**

The principle of the development is acceptable, being an extension of an existing use. Furthermore, the development would have an acceptable impact on the occupants of neighbouring properties and would be acceptable in a transport capacity.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 20/2974

To: Mr Eaton  
Tonik Associates  
5 Tanners Yard  
239 Long Lane  
London  
SE1 4PT

I refer to your application dated **21/09/2020** proposing the following:

Outline planning application for proposed new warehouse building located to the rear (matters to be applied: access, appearance, layout and scale)

and accompanied by plans or documents listed here:  
see condition 3

**at 3 Millennium Business Centre & self storage to rear, Humber Road, London, NW2 6DW**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 14/05/2021

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:-

National Planning Policy Framework (2019)  
 London Plan (2021)  
 Core Strategy (2010)  
 Brent Development Management Policies (2016)  
 SPD 1 - Brent Design Guide (2018)  
 Draft Local Plan

- 1 Details of the reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on the development and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. Such details shall include:

- i) Landscaping.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 2 In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of three years from the date of this permission; or  
 (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

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

EX00 Site Location Plan  
 EX02 Existing Elevations  
 PL00 Proposed Site Plan  
 PL01 Proposed Floor Plans  
 PL02 Rev A Proposed Elevations Rev A  
 PL03 Rev A Proposed Roof Plan and Section  
 PL05 Parking Provision  
 Transport Assessment (ref. WIE17185.100.R.1.1.2.TS) dated August 2020  
 Air Quality Assessment dated June 2019  
 Design and Access Statement  
 Drainage Strategy  
 Arboricultural Report

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

- 4 Prior to the commencement of the development details of an attenuation device to produce a 30% reduction from the current discharge outputs for surface water for the site shall be submitted to and approved in writing by the Local Planning Authority. and the approved device

shall be incorporated into the development prior to first occupation of the development.

Reasons: To ensure that the development does not give rise to any increase flood risk.

- 5 The proposed development shall not be used other than for purposes within Use Class B8 notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, in any provision equivalent to that Class in any statutory instrument revoking and re-enacting those Orders with or without modification) unless otherwise agreed in writing by the Local Planning Authority. Furthermore, the floorspace shall form an extension of the existing use and shall not be occupied as a separate entity unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The work shall be carried out in accordance with the approved details.

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

- 7 Prior to the commencement of the development hereby approved, an overheating analysis shall be submitted to and approved in writing by the local authority. The development shall then be carried out in accordance with the approved details.

Reason: To minimise energy consumption for cooling in accordance with Policy SI2 of the London Plan

- 8 Within 6 months of a material start a BREEAM Interim Stage Certificate shall be submitted to and approved in writing by the local authority to confirm that the development is likely to achieve a BREEAM Excellent Rating.

Reason: To ensure the development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time. .

- 9 Prior to first occupation of the development, a Post Construction Stage Review BRE Certificate shall be submitted to and approved in writing by the Local Planning Authority, The Certificate shall demonstrate that the Development has achieved BREEAM "Excellent" unless otherwise agreed in writing by the Local Planning Authority. The development shall be maintained so that it continues to comply for the lifetime of the development.

Reason: To ensure the Development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time. .

- 10 Prior to the commencement of the development an Air Quality Neutral Assessment undertaken in accordance with guidance published by the Greater London Authority (GLA) shall be submitted to and approved in writing by the Local Planning Authority for approval. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral and all mitigation measures within the approved assessment shall be carried out in full.

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policy SI1

- 11 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

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

Reasons: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policy SI1

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

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

- 13 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 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works.

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

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

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

- 15 Prior to the commencement of development a Construction Logistics Plan, written in accordance with TfL guidance, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.



Reason: To maximise safety and minimise congestion and emissions around the site.

- 16 Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied in accordance with the approved details.

Reason: In the interest of highway safety and to demonstrate a commitment to sustainable transport modes.

- 17 Prior to occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

Reasons: To ensure that on site parking is properly managed and to work towards reducing the parking overprovision and promoting sustainable transport modes.

- 18 Where photovoltaic panel arrays are proposed on the roof, detailed drawings showing the photovoltaic panel arrays shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of development. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the relevant phase.

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

- 19 Prior to occupation of the development hereby approved, a delivery and servicing plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved delivery and servicing plan.

Reason: In the interest of highway safety and to ensure the development provides a safe and efficient environment

- 20 Prior to the first occupation of the development hereby permitted, confirmation must be provided to the Local Planning Authority that either capacity exists off site for the development or that all wastewater network upgrades required to accommodate the additional flows from the development have been completed. Alternatively, a housing and infrastructure phasing plan relating specifically to the provision of wastewater network upgrades has been agreed with the Local Planning Authority, in consultation with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

- 21 Prior to the occupation of the development hereby approved, details of how access to the upper floor would be achieved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the usability of the space and that access is suitable for the proposed use.

- 22 Prior to the commencement of the development a tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect surrounding trees during the construction process.

- 23 A fire statement which accords with the requirements of London Plan policy D12 shall be

submitted to and approved in writing by the Local Planning Authority prior to the approval of Reserved Matters for the development hereby approved. All measures within the approved Fire Statement shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of fire safety.

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 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.
- 3 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
- 4 The Council recommends that the maximum standards for fire safety are achieved within the development
- 5 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality

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

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

24 May, 2021  
04  
21/0686

## SITE INFORMATION

RECEIVED	25 February, 2021																																																						
WARD	Kilburn																																																						
PLANNING AREA																																																							
LOCATION	14 Canterbury Road, London, NW6 5ST																																																						
PROPOSAL	Development authorised by the High Speed Rail (London-West Midlands) Act 2017 relating to the Canterbury Works Headhouse and Compound, consisting of: the vent shaft headhouse building comprising three principle connected headhouse elements (mechanical and electrical plant building, fan room and vent stacks); road vehicle parking within the compound with a hardstanding area; earthworks within the compound area for the headhouse building, including retaining walls and associated hardstanding area; an autotransformer station (location only); fencing (location only) encircling the headhouse building to create a secure compound; and artificial lighting equipment affixed to the headhouse building and within the compound.																																																						
PLAN NO'S	<p>As well as the drawings approved under condition 1. The submission included the following documents/drawings for information</p> <table> <tr> <td>1MC03-SCJ_SDH-AR-DGA-SS02_SL01 000001 - CO2.4</td><td>Schedule 17</td></tr> <tr> <td>Plans and Specifications Written Statement for Information</td><td></td></tr> <tr> <td>1MC03-SCJ-IN-STA-SS02_SL01-000003 C02.4</td><td>Schedule 17 Plans and</td></tr> <tr> <td>Specifications Design and Access Statement - Canterbury Works Vent Shaft</td><td></td></tr> <tr> <td>1MC03-SCJ-IN-STA-SS02_SL01-000004 C02.4</td><td>Design and Access Statement</td></tr> <tr> <td>1MC03-SCJ_SDH-AR-DEL-SS02_SL01-490032 P03.1</td><td>Illustrative</td></tr> <tr> <td>Elevations</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499935 P02</td><td>Photomontage</td></tr> <tr> <td>(viewpoint 35)</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499936 P02</td><td>Photomontage</td></tr> <tr> <td>(viewpoint 36)</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499944 P02</td><td>Photomontage</td></tr> <tr> <td>(viewpoint 44)</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DGA-SS02_SL01-491001 P03</td><td>Overview General</td></tr> <tr> <td>Arrangement Plan</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DSE-SS02_SL01-492001 P03</td><td>Indicative</td></tr> <tr> <td>Mitigation Sections (1 of 2)</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DSE-SS02_SL01-492002 P03</td><td>Indicative</td></tr> <tr> <td>Mitigation Sections (2 of 2)</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-LS-DGA-SS02_SL01-491003 P03</td><td>Landscape</td></tr> <tr> <td>General Arrangement Plan - Indicative Mitigation</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-EL-DGA-SS02_SL01-490451 P03</td><td>External Lighting</td></tr> <tr> <td>Zones and Control</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-EL-DGA-SS02_SL01-490452 P03</td><td>External Lighting</td></tr> <tr> <td>- Lux Levels Under Normal Operation</td><td></td></tr> <tr> <td>1MC03-SCJ_SDH-EL-DGA-SS02_SL01- 490453 P03</td><td>Lux Levels Site</td></tr> <tr> <td>Unoccupied</td><td></td></tr> </table>	1MC03-SCJ_SDH-AR-DGA-SS02_SL01 000001 - CO2.4	Schedule 17	Plans and Specifications Written Statement for Information		1MC03-SCJ-IN-STA-SS02_SL01-000003 C02.4	Schedule 17 Plans and	Specifications Design and Access Statement - Canterbury Works Vent Shaft		1MC03-SCJ-IN-STA-SS02_SL01-000004 C02.4	Design and Access Statement	1MC03-SCJ_SDH-AR-DEL-SS02_SL01-490032 P03.1	Illustrative	Elevations		1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499935 P02	Photomontage	(viewpoint 35)		1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499936 P02	Photomontage	(viewpoint 36)		1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499944 P02	Photomontage	(viewpoint 44)		1MC03-SCJ_SDH-LS-DGA-SS02_SL01-491001 P03	Overview General	Arrangement Plan		1MC03-SCJ_SDH-LS-DSE-SS02_SL01-492001 P03	Indicative	Mitigation Sections (1 of 2)		1MC03-SCJ_SDH-LS-DSE-SS02_SL01-492002 P03	Indicative	Mitigation Sections (2 of 2)		1MC03-SCJ_SDH-LS-DGA-SS02_SL01-491003 P03	Landscape	General Arrangement Plan - Indicative Mitigation		1MC03-SCJ_SDH-EL-DGA-SS02_SL01-490451 P03	External Lighting	Zones and Control		1MC03-SCJ_SDH-EL-DGA-SS02_SL01-490452 P03	External Lighting	- Lux Levels Under Normal Operation		1MC03-SCJ_SDH-EL-DGA-SS02_SL01- 490453 P03	Lux Levels Site	Unoccupied	
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1MC03-SCJ_SDH-EL-DGA-SS02_SL01- 490453 P03	Lux Levels Site																																																						
Unoccupied																																																							

**LINK TO DOCUMENTS  
ASSOCIATED WITH  
THIS PLANNING  
APPLICATION**

**When viewing this on an Electronic Device**

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\\_<systemke](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke)

**When viewing this as an Hard Copy \_**

**Please use the following steps**

1. Please go to [pa.brent.gov.uk](https://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "21/0686" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## RECOMMENDATIONS

Resolve to **grant** the Schedule 17 application subject to conditions.

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

### Conditions

1. Approved Plan
2. Details of materials
3. Landscaping
4. Details of green roof

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

## SITE MAP



**Brent**

### Planning Committee Map

Site address: 14 Canterbury Road, London, NW6 5ST

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This map is indicative only.





## PROPOSAL IN DETAIL

Development authorised by the High Speed Rail (London-West Midlands) Act 2017 relating to the Canterbury Works Headhouse and Compound, consisting of:

A headhouse building,

The main part of the building approximately (33.2m x 26.10m by 14m high) housing electrical and mechanical plant;

A secondary section of the building (approximately 25.7m x 20m by 9.7m high) housing tunnel ventilation fans;

Two narrow sections of the buildings which will form the ventilation stacks, at the fan rooms eastern end (approximately 5.9m x 5.9m x 14m high);

- Earthworks within the compound area for the headhouse building and associated hardstanding area;
- Fencing (location only) encircling the headhouse building to create a secure compound;
- Pole-mounted artificial lighting equipment within the compound;
- A 1136m<sup>2</sup> hardstanding compound area, for maintenance vehicles to park and access the site; and
- The location only of an Auto Transformer Station (ATS) and associated fencing (design details of the ATS will be the subject of a future Schedule 17 application)

## EXISTING

The subject site is located on land previously occupied as a light industrial / business park which has now been demolished in preparation for construction of the scheme. The site is bounded by: a row of four storey residential blocks to the rear of Canterbury Terrace to the west; Canterbury House, a three storey Victorian apartment building fronting Canterbury Road to the south, St. Mary's Primary School to the east, and National Rail lines to the north.

The site lies approximately 50m south of the Kilburn Conservation Area and 20m North of the South Kilburn Conservation Area. Canterbury House is a locally listed building.

## SUMMARY OF KEY ISSUES

The key issues for Members to consider are set out below. As this is not a planning application Members will need to consider as to whether the works ought to, or could reasonably be modified

### To preserve the local environment or local amenity

The materials used for the headhouse building ensure texture and interest to the elevations and the use of soft landscaping helps to soften the appearance of the building when viewed from neighbouring properties.

Whilst positioned in close proximity to the Kilburn Conservation Area, the headhouse building would largely be screened by existing built form and views from within the Conservation area itself would be limited. Whilst South Kilburn Conservation Area is located 50m south, there is an intervening railway line and any views obtained from the Conservation Area would be limited as a result of this, and restricted to private views from the rear of Brondesbury Villas.

Whilst the position of the headhouse building is fixed by its relationship to the tunnel shaft, it is positioned as

far to the north as possible and therefore effort has been made to set the building as far back from Canterbury House as possible. The building would also retain a generous set in from the boundary with Carlton House. When considered in relation to SPD 1 guidance, the development would comply with the 30 and 45 degree rules. There are no overlooking/loss of privacy concerns.

The required lighting would be within acceptable limits, even when all lighting would be fully operational in infrequent emergency situations. Neighbouring properties would therefore not suffer excessive levels of disturbance as a result of the proposed lighting scheme.

**To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area or**

Safe and secure access would be provided to the site. As the site would only be accessed for operational or maintenance purposes, volumes of traffic expected are not likely to be significant.

**To preserve a site of archaeological or historic interest or nature conservation**

The works would not disturb an archaeological site or that of nature conservation. Although the site does border a green corridor the proposed green roofing and the indicative landscaping scheme ensure ecological enhancements on site.

**That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.**

The position of the headhouse building has been determined by its relationship with the tunnel shaft and has been positioned as far from neighbouring properties as possible. The other works have largely been determined by the position of the main headhouse building and therefore it is not considered that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

## **RELEVANT SITE HISTORY**

20/1796 - Request for approval of HS2 Lorry routes under the High Speed Rail (London – West Midlands) Act 2017 in respect of the arrangements of large goods vehicles (LGVs) to and from Canterbury Road main compound - Granted

## **CONSULTATIONS**

There is no statutory requirement in the Act to undertake public consultation on Schedule 17 applications.

Notwithstanding these statutory requirements, the following consultation was undertaken on this application

- 216 neighbouring properties were notified
- A site notice was displayed at the entrance on Canterbury Road
- The site was advertised in the local newspaper.

One objection was received from a resident of Canterbury House specifying concern regarding design, height, location of fans, the impact on light and views to Canterbury House properties and that residents of Canterbury House purchased their properties with knowledge of the original plans, but that there are deep concerns that these revised plans may deter potential future buyers.

The design, height, siting and fans and the associated potential impacts are discussed below. The potential impact on future purchasers cannot be considered. However, it is likely that this concern is linked to the concerns about the impacts of the vent shaft which are evaluated.

## **POLICY CONSIDERATIONS**

High Speed Rail (London - West Midlands) Act 2017 - Schedule 17

## **DETAILED CONSIDERATIONS**

**HS2**

1. Phase One of HS2 will provide dedicated high speed rail services between London, Birmingham and the West Midlands. It will extend for approximately 230km (143 miles). Just north of Lichfield, high speed trains will join the West Coast Main Line for journeys to and from Manchester, the North West and Scotland. Phase One of HS2 is the first phase of a new high speed railway network proposed by the Government to connect major cities in Britain. It is intended to bring significant benefits for inter-urban rail travellers through increased capacity and improved connectivity between London, the Midlands and the North. It will release capacity on the existing rail network between London, Birmingham and the West Midlands and so provide opportunities to improve existing commuter, regional passenger and freight services.
2. The HS2 Euston tunnels will comprise twin bored tunnels (one 'downline' for trains travelling in the direction of Birmingham, and one 'upline' for trains travelling towards Euston) extending from the new portal outside Euston station in the east to the proposed Old Oak Common station in the West. The tunnels will be linked to the surface via two ventilation and intervention shafts. The necessary legislative powers were included within the HS2 Act to construct a ventilation shaft on land adjacent to Canterbury Terrace and Canterbury Road.

## Background to legislation

3. Section 20 of the High Speed Rail (London - West Midlands) Act 2017 grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase One and associated works ("the Works") between London and the West Midlands, but some of the detailed design and construction are subject to further approval. Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act requests for approval under Schedule 17 are not planning applications.
4. Schedule 17 sets out the approvals required to be obtained by the nominated undertaker. These approvals are:
  - plans and specifications
  - matters ancillary to development
  - road transport
  - bringing into use
  - earthworks
5. Approval of matters ancillary to development, road transport and bringing into use are only required if the planning authority has opted to become a qualifying authority under Part 2 of Schedule 17. Brent Council is a qualifying Authority.
6. The above mentioned approvals have been carefully defined to provide an appropriate level of local planning control over the works while not unduly delaying or adding cost to the project. As such the legislation states that planning authorities should not through the exercise of the Schedule seek to: revisit matters settled through the parliamentary process, seek to extend or alter the scope of the project, modify or replicate controls already in place, either specific to HS2 Phase One such as the Environmental Minimum Requirements, or existing legislation such as the Control of Pollution Act or the regulatory requirements that apply to railways.
7. The below table identifies the matters to be considered by the local authority and outlines the grounds on which the local authority may refuse the Schedule 17 application. These are detailed under paragraphs 2 and 3 of the relevant legislation. The local authority may not refuse applications on considerations not outlined in the below table.

Schedule 17 consideration	Potential grounds for refusal of submission
Building works	That the design of external appearance of the

	works ought to, and could reasonably, be modified – (i) To preserve the local environment or local amenity (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area or (iii) To preserve a site of archaeological or historic interest or nature conservation (b) That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.
A road vehicle car park	As above
Earthworks	As above
Fences	That the development ought to, and could reasonably be carried out on land elsewhere within the developments permitted limits
Artificial lighting equipment	That the design of the equipment , with respect to the emission of light, ought to, and could reasonably, be modified to preserve the local environment or local amenity  If the development does not form part of a scheduled work , that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits

## Matters for approval

### Vent shaft headhouse building (mechanical and electrical plant building, fan room and vent stacks);

#### *(a) (i) to preserve the local environment or local amenity*

8. The building would measure approximately 57m in depth and at its greatest would measure 14m in height. The location of the headhouse building has largely been determined through it's relationship with the tunnel shaft, although it has been positioned as far north of the site as possible having regard to neighbouring properties. The depth of the headhouse has been determined by the HS2 functional requirements for the fan room and ventilation stacks are the minimum size in both area and height.
9. The headhouse does not sit on a street frontage, and is largely screened by surrounding development meaning clear views of the extent of the building from street level would be relatively limited. However, given the height of the development, the fact that there is a trainline to the rear and the proximity of residential properties, it is accepted that views of the development would be obtained.
10. Having regard to the functional use of the building, it is acknowledged that there are more constraints when approaching the design. As a headhouse, the use does not require external features that would typically break up elevations and add visual interest. However, in this case the materials adopted help to ensure some texture and variation to the elevations, to achieve a well integrated building sympathetic to it's surroundings.
11. Whilst a substantial building, the applicant has sought to lessen the dominance of this through the choice of materials. The main 14m high mechanical and electrical building is clad predominantly in a naturally weathered silver grey timber, which would appear as a lightweight element, helping to reduce the visual impact.
12. Brickwork is another key material within the palette and would be used for the lower building elements on the main building but would also be the principal material for the ventilation stacks. The brick is a robust dark engineering brick, used to compliment the silver-grey timber cladding . The lower elements of the building and higher elements of the ventilation stacks (would include areas of patterned brickwork to

break up the expanse of wall that would be visible from Canterbury Road.

13. Whilst the majority of the building would consist of brick and timber cladding, dark metal elements would be used for panels, doors and louvers. The varying textures, the chosen high quality materials and the varying shades of grey, would serve to break up the massing of the structure, resulting in a building of good quality.
14. Given the size of the headhouse building and the need for adequate access, the majority of the site is to be hardsurfaced. At this stage, soft landscaping at ground floor is shown as indicative only, and there are no controls over this under this application. However, in order to help further mitigate the impact of the headhouse building, soft landscaping has been incorporated into the design of the building itself, through a series of green roofs.
15. The main headhouse would have a biodiverse green roof that aims to maximise the diversity of ecological conditions on the roof and provides opportunities for storm water retention. The lower roof area would incorporate a deep substrate green roof providing extended biodiversity value. As well as ecological benefits, the green roofs would also provide visual benefits particularly for neighbouring residential properties which overlook the site. The development is therefore considered acceptable in relation to the local environment.
16. In relation to neighbouring properties, the site shares a common boundary with Canterbury Terrace which is a four storey residential building and Carlton House which is also a four storey residential building. The ventilation stacks would sit adjacent the boundary and would be positioned approx. 8m from the boundary with Canterbury Terrace. When the guidance contained within SPD 1 is applied, the development would not breach the 30 or 45 degree rules when considered in relation to this residential building.
17. In relation to Carlton House, at its closest the main headhouse building would be positioned approximately 11m from the boundary with this residential building. When the guidance contained within SPD 1 is applied, the development would not breach the 30 or 45 degree rules when considered in relation to this residential building.
18. Further to an objection being received from an occupant of a Canterbury House on the grounds of loss of light a daylight/sunlight report was submitted by the applicant. This shows that all windows facing the site would retain VSC levels no less than 27% and therefore the light to neighbouring properties would not be adversely affected by the proposed headhouse Building. Whilst the objection was also made on the grounds of a loss of views, this would not equate to a loss of amenity and therefore this is not considered in any greater detail.

*(a) (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area or*

19. The building is an operational building for the railway tunnel and would not in itself generate any vehicular traffic, aside from for operational and maintenance purposes.
20. A vehicular route is to be retained through the site to facilitate vehicular access for operational vehicles, serving a hardstanding area for vehicle parking for operational vehicles.
21. The through route would utilise the existing vehicular accesses to the site, which is acceptable in principle. However, it should be noted that the existing 3m wide crossover from Canterbury Road is not suitable for its intended use and will need to be widened to 6m with kerb radii to match the proposed widened gate to the site. A condition is recommended to this effect.
22. The site accesses are proposed to be gated in two locations to provide security, including gates at the highway boundary at both accesses. As both accesses are onto local access roads, this is acceptable in highway safety terms.
23. The accesses into the site would not provide segregated footways, but the volumes of traffic expected are not likely to be significant enough for this to be a concern. Bicycle parking is also not proposed, but as they only to be accessed for operational or maintenance purposes only, this is acceptable.

*(a) (iii) To preserve a site of archaeological or historic interest or nature conservation*

24. The site does not form one of archaeological or historic interest or that of nature conservation. Whilst the site would be visible from the South Kilburn Conservation Area it is not within it and whilst some views would be obtained from the designated area these would be limited.
25. The rear of the site forms a green corridor but the site is not a nature conservation area. The proposed green roofs seeks to provide an extension to the green roof and provide ecological opportunities on a site where there are currently none.

*(b) That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.*

26. The submission identifies that the location of the headhouse has been determined by the relationship with the tunnel shaft. It is therefore accepted that the development could not reasonably be carried out elsewhere within the developments permitted limits.

Autotransformer station (location only)

*(a) (i) to preserve the local environment or local amenity*

27. At this stage the local planning authority is only required to consider the location of the autotransformer with the design and external appearance coming forwards at a later date under a separate Schedule 17 application..
28. The autotransformer station would be positioned slightly forwards of the proposed ventilation stacks but would still remain set away from the boundary with Canterbury House (5m from boundary and 15m from rear elevation) and Canterbury Terrace (10m from boundary and 21m from rear elevation). Although the precise height is not known at this stage (indicative drawings indicate 6m), the applicant has confirmed that the scale shown on the submitted drawings has been informed by the size of the equipment that it would be required to contain, and therefore is reflective of what would be constructed on site.
29. The autotransformer would be positioned closer to the rear of Canterbury House than the main headhouse building. When considered in relation to SPD 1 guidance, the development would comply with the 30 and 45 degree rules and there would be no loss of privacy concerns.
30. The autotransformer station would be far smaller in scale than the main headhouse building and its chosen location, directly behind the four storey Caterbury House, would mean that it's visual presence would be relatively limited from public viewpoints, unless in close proximity to the site itself. Whilst more clearly visible from surrounding residential properties, given the scale of this element in comparison to the larger headhouse building which it would be positioned in close proximity to, and viewed in the context of, the chosen location is considered acceptable.
31. Having regards to the considerations for refusal, the proposed location of the autotransformer is considered acceptable in relation to (i) and is also considered acceptable in relation a (ii) and a (iii) of the table at paragraph 7 of this report. The location of the autotransformer is also considered acceptable in relation to (b) as there is no reason to require this element of the proposal to be carried out elsewhere within the developments permitted limits.

Earthworks within the compound area for the headhouse building, including retaining walls and associated hardstanding area

*(a) (i) to preserve the local environment or local amenity*

32. Earth works are required around the vent shaft headhouse building, with proposed ground level changes required to provide a level site for both the building and hard landscaping.
33. In addition to this low level retaining walls, up to 1.2m in height have been incorporated into the site boundaries in the north western corner, northern boundary with Network Rail and partially along the security boundary with the St Marys RC Primary School. The proposed levels within the HS2 site are

lower than existing and external levels to these boundaries. Additionally, a retaining wall is proposed to be introduced by the northern gate, within the HS2 site, to provide appropriate vehicular access and to mitigate the difference between existing and proposed levels. Retaining walls are to be constructed primarily using concrete and would be brick clad to correspond with the boundary walls and the headhouse building facade.

34. Having regards to the other considerations for refusal, the proposed earthworks are considered acceptable in relation to a (i) and are also considered acceptable in relation a (ii) and a (iii) of the table at paragraph 7 of this report. The earthworks are also considered acceptable in relation to (b) as they could not reasonably be carried out elsewhere within the developments permitted limits.

#### Fencing to create a secure compound (location only)

*The development ought to, and could reasonably be carried out on land elsewhere within the developments permitted limits*

35. The location of the fencing is only to be considered. This would enclose the site and extend along the boundary with Carlton House, Canterbury House and St Marys RC Primary School. The only aspects of the boundary treatment that would be visible from the street scene would be the entrance gates on Canterbury Road. Whilst no detailed information is required to be submitted in relation to the design of the boundary treatment, the applicant has provided details of the types of materials to be used. The choices have been informed following public consultation with the chosen materials being a combination of brick walls and metal vertical railings, which is considered appropriate having regard to the wider largely residential context of the site and being reflective of that at neighbouring Canterbury House. Although the heights are not required for approval, the drawings demonstrate that these would be higher than a typical 2m high boundary treatment. However, given the nature of the site and the need to provide adequate security this is not unexpected.

36. Having regard to the consideration for refusal, the location of the fencing is considered acceptable.

#### Road vehicle car park within the compound

##### *a (i) To preserve the local environment or local amenity*

37. The proposed materials for the vehicle parking area have been influenced by existing paving materials in the locality. Whilst tarmac and a small area of gravel would be used to the vehicle access point to the rear of the site, the majority of the area for vehicular access and parking is proposed to be block paved.

38. The choice of materials for the paved areas are considered to be appropriate to the locality and would preserve the local environment.

##### *(a) (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area or*

39. The proposed paved area would allow for off street parking within the compound. Whilst the layout of the parking area has not been specified, it is understood it would be for operational vehicles and given that visits to the site would be limited in number and there would be no permanent staff on site, the more informal arrangement is considered acceptable.

40. Having regards to the other considerations for refusal, the proposed car park area is considered acceptable in relation to (ii) and (iii) of the table at paragraph 7 of this report. The car park is also considered acceptable in relation to (b) as it could not reasonably be carried out elsewhere within the developments permitted limits.

#### Artificial lighting equipment affixed to the headhouse building and within the compound

*The design of the equipment, with respect to the emission of light, ought to, and could reasonably, be modified to preserve the local environment or local amenity*

41. The building requires the use of external lighting with lighting being affixed to the undercroft and wall surface of the building as well as to mounting poles and boundary walls within the compound. The mounting height of the lighting not fixed to the building would be between 3m and 6m.
42. The design of the lighting is considered acceptable, with the pole mounted lighting being used to the vehicular access points and along the rear boundary with the Network Rail land only. There would be no wall mounted lighting to the boundary with Canterbury Terrace, although there would be wall mounted lighting to the boundary with Carlton House. Given that the majority of the lighting would be wall mounted or building mounted and given the limited use of pole mounted lighting, the proposed lighting equipment is not considered to be visually obtrusive.
43. The applicant has submitted two drawings showing light emissions for information, and it should be noted that the specified Lux levels are not for approval but are to advise the local authority of the level of light spillage and how this might affect neighbouring properties.
44. The first demonstrates the level of light spill where the site is unoccupied and therefore the 'normal' night time lighting scenario, as all proposed lighting would only be in use for maintenance/emergency purposes. During this time, the only parts of the site that would be illuminated would be the compound entry and key access points to the vent shaft headhouse buildings, which is proposed to be permanently lit throughout the night time period to ensure a level of security and efficient operation of CCTV cameras. During these times the lighting levels within the site itself would reach 5 Lux with no light spill outside of the site boundaries and therefore well within acceptable limits.
45. The second drawing demonstrates light spill for emergency/maintenance/intruder scenarios and shows that lighting intensity within the compound itself would reach a maximum of 20 Lux. The Institute of Lighting Professionals states that for an urban environment such as this the pre-curfew light spill (before 23:00) should be no greater than 25 Lux and the post curfew no greater than 5 Lux. The lightspill levels would be acceptable in terms of pre-curfew however it would be close to the maximum of 5 Lux at Carlton House during the post curfew. However as the identified levels of light spill would only be experienced by neighbouring properties in infrequent situations and more even more so when considering the number of visits that would likely happen beyond 11pm, it is not considered that they would be seriously affected as a result of the lighting.
46. Having regard to the consideration for refusal, the design of the lighting equipment is considered acceptable.

### **Environmental Minimum Requirements**

47. Whilst the restrictions to the assessment of the application do not extend to environmental and sustainability matters, this does not mean that there are no controls, these simply sit outside of the Schedule 17 process. SCS (the HS2 contractor) is contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs)
48. The Environmental Minimum Requirements (EMR) are a suite of documents which sets out overarching environmental and sustainability commitments for the HS2 project. The EMRs consist of the following
- Code of Construction Practice (CoCP) - contains detailed control measures and standards to be implemented throughout the construction of Phase 1. This is supported by a Local Environmental Management Plan specific to the London Borough of Brent.
  - Planning Memorandum - sets out obligations on qualifying authorities (such as Brent) including the participation in the national Planning Forum and the expeditious handling of requests for approval and appropriate resourcing. It also places requirements on HS2 Ltd. to engage in pre-application discussions, assist with resource planning and provide indicative mitigation where necessary.
  - Heritage Memorandum - provides the overarching approach to heritage matters. The document details how the investigation, recording and mitigation of impacts on heritage assets will be undertaken.
  - Environmental Memorandum - sets out the overarching requirements in relation to various environmental impacts of the scheme including nature conservation, ecology, water resources, flood risk, geological features, recreation and amenity impacts, landscape and visual, public open space, soils, agriculture and



forestry, excavated material, waste management and climate change.

49. Therefore whilst considerations which typically form part of a planning application are not matters for consideration under Schedule 17, there are already measures in place to control these.

### **Future schedule 17 applications**

50. As identified earlier on this report, there are restrictions to the matters the local planning authority may consider when determining this application and they are far less expansive than those which would be considered under a planning application. However, it should be noted this is an initial application in respect of the site in question, and whilst it deals with the main structures future Schedule 17 applications are required to be submitted to deal with finer detailing.
51. This application has been accompanied by a number of 'For information' drawings which whilst not for approval demonstrates future intentions of HS2 in respect of the site, particularly with respect to mitigation measures. Whilst there may be concerns that there is no requirement to commit to the details shown on the 'For information' drawings, a future application (paragraph 9 of the legislation, '*Conditions on bringing scheduled works and depots into use*') is required which will allow the local planning authority to exercise more influence over the development of the site. The purpose of the 'Bringing into Use' application is to ensure that HS2 takes all reasonable practical measures for the mitigation of the work. This is likely to include noise mitigation and increased landscaping mitigation for the benefit of residential properties and the wider locality.

### **Equalities**

52. 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 also 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**

It is considered that the proposed works have been designed to preserve the local environment and locality amenity and reduce prejudicial effects on road safety. Furthermore, the works would not disturb a site of archaeological or historic interest of nature conservation. As the location of the works have largely been informed by the relationship with the tunnel shaft, it is not considered that the development could reasonably be carried out in elsewhere within the development's permitted limits.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 21/0686

To: Neal  
SCS JV  
Black Arrow House  
2 Chandos Road  
London  
NW10 6NF

I refer to your application dated **25/02/2021** proposing the following:

Development authorised by the High Speed Rail (London-West Midlands) Act 2017 relating to the Canterbury Works Headhouse and Compound, consisting of: the vent shaft headhouse building comprising three principle connected headhouse elements (mechanical and electrical plant building, fan room and vent stacks); road vehicle parking within the compound with a hardstanding area; earthworks within the compound area for the headhouse building, including retaining walls and associated hardstanding area; an autotransformer station (location only); fencing (location only) encircling the headhouse building to create a secure compound; and artificial lighting equipment affixed to the headhouse building and within the compound.

and accompanied by plans or documents listed here:

As well as the drawings approved under condition 1. The submission included the following documents/drawings for information

1MC03-SCJ_SDH-AR-DGA-SS02_SL01 000001 - CO2.4	Schedule 17 Plans and Specifications
Written Statement for Information	
1MC03-SCJ-IN-STA-SS02_SL01-000003 CO2.4	Schedule 17 Plans and Specifications Design and Access
Statement - Canterbury Works Vent Shaft	
1MC03-SCJ-IN-STA-SS02_SL01-000004 CO2.4	Design and Access Statement
1MC03-SCJ_SDH-AR-DEL-SS02_SL01-490032 P03.1	Illustrative Elevations
1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499935 P02	Photomontage (viewpoint 35)
1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499936 P02	Photomontage (viewpoint 36)
1MC03-SCJ_SDH-LS-DGA-SS02_SL01-499944 P02	Photomontage (viewpoint 44)
1MC03-SCJ_SDH-LS-DGA-SS02_SL01-491001 P03	Overview General Arrangement Plan
1MC03-SCJ_SDH-LS-DSE-SS02_SL01-492001 P03	Indicative Mitigation Sections (1 of 2)
1MC03-SCJ_SDH-LS-DSE-SS02_SL01-492002 P03	Indicative Mitigation Sections (2 of 2)
1MC03-SCJ_SDH-LS-DGA-SS02_SL01-491003 P03	Landscape General Arrangement Plan -
Indicative Mitigation	
1MC03-SCJ_SDH-EL-DGA-SS02_SL01-490451 P03	External Lighting Zones and Control
1MC03-SCJ_SDH-EL-DGA-SS02_SL01-490452 P03	External Lighting - Lux Levels Under Normal
Operation	
1MC03-SCJ_SDH-EL-DGA-SS02_SL01- 490453 P03	Lux Levels Site Unoccupied

at **14 Canterbury Road, London, NW6 5ST**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 14/05/2021

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

- 1 The proposed works are acceptable when having regard to the reasons for refusing an approval specified within paragraphs 2 and 3 of Part 1 of Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017.

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

1MC03-SCJ_SDH-AR-DGA-SS02_SL01 490011 - P03.2	Location Plan
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 490012 - P03.2	General Arrangement Plan
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 490031 - P03.2	Elevations
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 490021 - P03.2	Sections
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 490091- P03.1	Materials Board
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 491002 - P03	Landscape General
Arrangement Plan	
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 492011 - P03	Earthworks Cross Sections (1
of 2)	
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 492012 - P03	Earthworks Cross Sections (2
of 2)	
1MC03-SCJ_SDH-AR-DGA-SS02_SL01 494451 - P03	Lighting Column Detail

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

- 2 Prior to the first use of the building hereby approved, the existing 3m wide crossover from Canterbury Road shall be widened to 6m with kerb radii to match the proposed widened gate to the site.

Reason: In the interests of preventing prejudicial effects on road safety and the free flow of traffic.

- 3 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any above ground work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which preserves the local environment.

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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