



Planning Committee

Wednesday 13 July 2022 at 6.00 pm

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

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

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

Membership:

Members

Councillors:

Kelcher (Chair)
S Butt (Vice-Chair)
Akram
Begum
Dixon
Mahmood
Maurice
Seelan

Substitute Members

Councillors:

Ahmed, Chappell, Chohan, Collymore, Dar,
Ethapemi and Kabir

Councillors
Kansagra and Patel

For further information contact: Natalie Connor, Governance Officer
natalie.connor@brent.gov.uk; 07824 412 361

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

ITEM	WARD	PAGE
1. Apologies for Absence and Clarification of Alternate Members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting, held on 14 June 2022 as a correct record.		1 - 12
APPLICATIONS FOR DECISION		
4. 21/1124 - 363 Edgware Road, London, NW9 6AF	Kingsbury	17 - 64
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 her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 17 August 2022

Please remember to set your mobile phone to silent during the meeting. The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Tuesday 14 June 2022 at
6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Dixon, Mahmood and Seelan.

1. Apologies for absence and clarification of alternative members

Apologies were received from Councillor Maurice.

2. Declarations of interests

There were no declarations of interest made at the meeting.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Wednesday 20 April be approved as an accurate record of the meeting.

4. 21/3754 – 66 Cavendish Road, London, NW6 7XP

PROPOSAL

Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.

RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:
 - (a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
 - (b) Notification of material start 28 days prior to commencement
 - (c) Financial contribution of £150,000 towards affordable housing provision in Brent.
 - (d) Late stage viability review (drafted in line with standard GLA review clause wording) to be submitted at or after 75% occupation of the private residential development. An offsite affordable housing payment to be made where an uplift in profit above a break-even position is identified. Viability review to be based on an agreed Benchmark Land

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Value of £3.368m and developer profit of 17.5%. Not more than 90% of the private dwellings to be occupied until viability review approved in writing by the LPA.

- (e) Sustainability and energy
 - (i) Detailed design stage energy assessment. Initial carbon offset payment if zero-carbon target not achieved on site.
 - (ii) Post-construction energy assessment. Final carbon offset payment if zero-carbon target not achieved on site.
 - (iii) 'Be seen' energy monitoring requirements
- (2) That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- (3) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as set out in the report.
- (4) 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
- (5) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990

June Taylor, Principal Planning Officer, South Team, introduced the report and set out the key issues. In introducing the report members were advised that the application was seeking the demolition of the existing residential building comprising of 13 studio flats and the construction of a new part five, part six storey residential building comprising of 21 flats (4 x 1-bedroom, 12 x 2-bedroom and 5 x 3-bedroom), together with associated landscaping, cycle parking and refuse and recycling facilities. The committee were informed that the subject site was a three-storey detached building that occupied the corner plot at the south-eastern junction of Willesden Lane and Cavendish Road. The building was currently in residential use as 13 self-contained studio flats. The site fell within an Intensification Corridor designated within the Brent Local Plan and was not located in a conservation area. Although the site had been proposed to form part of a conservation area in Brent's Local Plan it was noted that this designation would be subject to a further legal process and was not currently in effect.

In closing the introduction to the application the Planning Officer drew members attention to the supplementary report that included details of an amendment to the proposed s106 Heads of Terms, an increase in the development's Urban Greening Factor and some minor amendments to pre-existing conditions including a change

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in the wording on Condition 16 that provided more clarity on the level and type of detail of the material used for the external works of the proposed development.

Members noted the information provided and as no questions were raised at this point the Chair then invited Mr David Callister (objector) to address the Committee (in person) in relation to the application.

Mr Callister introduced himself as a local resident who lived in the neighbouring property to the proposed application, he then went on to share his concerns regarding the application as follows:

- The proximity of the proposed development to his garden and view that its design and scale would be excessive and lead to unacceptable overshadowing of his garden and property.
- Many properties in the area were of Victorian and Georgian design, Mr Callister felt that the proposed new development would not be in keeping with the Victorian and Georgian design features and therefore would alter the character of the area.
- The relationship between the proposed development and neighbouring development currently under construction at No.162 Willesden Lane which, whilst having paused had been a focus of fly-tipping to the area as well as noise pollution and disruption to local roads.
- In light of the observations made with regard to No.162 Willesden Lane there was further concern that if the proposed application were to be approved the impact of having two adjacent buildings being demolished and reconstructed at the same time would have negative consequences for the local community as a result of increased construction traffic and noise pollution.
- In summarising his concerns Mr Callister urged the Committee that in making their decision consideration should be given to the wider detrimental impacts on local residents, their wellbeing and the surrounding infrastructure, in addition to the loss of green space and how this would affect local wildlife, if the proposal was approved.

The Chair thanked Mr Callister for his contribution and in doing so the Committee extended their thanks and acknowledgment of the difficulties in presenting an objection to the Committee, particularly when the subject was so emotive for local residents. As there were no questions for Mr Callister the Chair invited Belinda Sinclair (objector) to address the Committee (in person) in relation to the application.

Ms Sinclair introduced herself as the Chair of the Historic Brondesbury Park Building Group before moving on to share the Group's following concerns in relation to the proposed development:

- The timing of the application, in advance of consideration being given to the possible inclusion of Cavendish Road within a Conservation Area, given the additional protections this would provide in terms of preserving the character of the area.
- The character and features of the buildings in the area and the importance of retaining their character, noting that if planning permission was granted the character of the area would be affected.

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- Concerns were also raised regarding the loss of green space and the additional pressures that the development would have on local amenities such as doctors and school places in the area.
- Further concerns were raised regarding the perceived lack of a safe pedestrian crossing on the road, which there had been local lobbying to improve. The group felt that there would be an increased risk of harm with added construction traffic to the area.
- The group queried the lack of public consultation, stating that despite a number of members of the Historic Brondesbury Park Building Group living in close proximity to the proposed development it appeared none of them had received consultation material.
- In summarising the group's concerns, Ms Sinclair requested that the Committee were mindful of the concerns raised by local residents in relation to light, overshadowing and overall impact on the neighbourhood before they made their decision on the application.

In response to questions from the Committee in relation to her comments Ms Sinclair responded with the following points:

- In response to a question regarding whether the objectors felt reassured, in terms of traffic and road safety impact, by the proposed development being designed to be car free, Ms Sinclair replied that this did not provide reassurance. This was in view of the impact which both this and the adjacent development and construction works would have in terms of generating additional construction traffic, which she felt posed a serious health and safety concern for the local community.
- Ms Sinclair advised the Committee that the group were broadly supportive of new affordable homes in the area and understood the housing need in Brent, however it was felt the proposed development was not seeking to provide affordable homes for local residents and was in fact a luxury development.

As there were no further questions raised the Chair invited the final speaker Lewis Westhoff (as the applicant's agent) to address the Committee (in person). Lewis Westhoff introduced the application, drawing the Committee's attention to the following key points:

- The scheme aimed to deliver a new purpose-built residential development in a sustainable location that would provide much needed new housing for the borough that included the provision of a range of housing sizes, including 1, 2 and 3 bedroom homes suitable for a range of households, including families.
- The affordable housing contribution of £150,000 would help contribute to the delivery of affordable housing within the London Borough of Brent.
- The delivery of a high-quality architectural building that responded to the site's context as a corner site, the recently approved development at 162 Willesden Lane and the prevailing character of the local area.
- The scheme would provide extensive areas of private and communal amenity space for occupants of the development.
- The scheme achieved a high Urban Greening Factor, enhanced by the removal of low quality trees and the replacement with new, native tree species along the frontage of the site. In addition to this the removal of redundant vehicle crossovers and the provision of new high quality streetscape planting would benefit the local townscape and streetscape.

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- The scheme would deliver a sustainable and energy efficient building that utilised energy efficient building fabric, green roofs and PV panels.
- The delivery of a car free development with high levels of cycle parking to support sustainable transport to and from the site.
- The design of the development would be in keeping with the development of 162 Willesden Lane and both developments had been designed to complement each other.
- The proposed scheme was an exemplar way to optimise the corner site that sat within the intensification corridor, corresponding with Brent's Local Plan.

In response to Committee questions Mr Westhoff clarified the following points:

- Measures to prevent overlooking had been considered and factored in to the design of the building, this included the addition of inset windows that were angled to the south that would allow outlook for residents of the proposed scheme whilst also protecting the outlook of neighbouring properties.
- Mr Westhoff confirmed that the applicant would be happy to agree a reasonable contribution towards the improvement of local community park and open space amenities given that the added amenity space included in the proposed developments was for use of residents of the new development.
- In response to Committee concerns that there were no affordable housing units available as part of the scheme, Mr Westhoff informed the Committee that the applicant recognised the importance of affordable housing as part of the scheme coupled with the need to optimise the site space as much as possible. Following an independent viability assessment, however, it had been confirmed that the scheme could not include the commercially viable delivery of on-site affordable housing. In recognition of this the applicant had offered a s106 contribution of £150,000 to support affordable housing provision within Brent.
- Following a Committee comment regarding the risk of flooding with particular reference to the basement properties, Mr Westhoff advised the Committee that rain water run off on the site achieved a reduction against the current site through the use of a sustainable urban drainage solution, permeable paving and an on-site attenuation storage of 25 cubic metres. This would mitigate the risk of excessive run off water with the stored water being discharged at a controlled rate.
- A Construction Management Plan would ensure that Health and Safety concerns resulting from the possibility of any parallel construction works taking place were considered and disruption to the community would be minimised as much as possible. This would need to be secured by condition before any works could start on the proposed development on Cavendish Road.
- Mr Westhoff confirmed that the development would comply with condition 4 that would ensure that machinery used would be compliant with the recommended ranges of noise and emissions in order to mitigate noise and air pollution concerns.

After considering the responses provided by Mr Westhoff, the Chair invited Committee members to ask officers any further questions or points of clarification they may have. Committee members had a number of queries that included issues regarding the location on the site of amenity space, the height of the proposed

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development, flooding and drainage and local transport links. The following responses were provided by officers:

- Officers confirmed that the proposed scheme fell within an Intensification Corridor designated within the Local Plan, with clarification provided around the definition and purpose of these designations within Brent's Local Plan. In terms of the design, scale and appearance the Committee were advised that within the Local Plan the locations policy BD2 suggested that developments with a height of up to 15 m above ground level may be acceptable while policy BH4 set out that the character of the existing area would be subject to change over the plan period. On the basis of the reasons set out in the report the design and scale of the development was therefore considered to be acceptable in the context of the existing and emerging street scene in the area, bulk and massing with no material impact on nearby heritage assets and was therefore identified as a suitable location for development.
- Whilst noting the shortfall in private and communal external amenity space against Brent's policy targets the Committee were advised that on balance this had been considered to be acceptable given the proximity to Queens Park and Aylestone Avenue Open Space and other local parks within the radius of an 8-10 minute walk. It was also noted that the applicants agent had confirmed (during the meeting) given the concerns identified that the applicant would be willing to include an additional financial contribution of £15,000 towards the improvements of local parks and open spaces.
- In response to a Committee query requesting some further details around the maximum height of the proposed building in line with Policy BD2, officers informed the Committee that the proposed building would range in height from three to five storeys, with additional accommodation at lower ground floor level. Most of the building would be less than 15m in height however ground level changes within the site and elements of the 4th floor projected marginally above this by approximately 0.5 metres. Areas where the policy height were exceeded were the lift overrun and the enclosure for the roof terrace. These had however been considered acceptable in the context of the existing and emerging street scene in the area. Officers advised that the corner location provided scope for a five storey element that acted as a marker block and responded to the development coming forward from the opposite site.
- Officers confirmed that the Council's Tree Officer had no objections to the scheme on arboricultural grounds and that the two trees subject to Tree Preservation Orders would be retained with the ecological appraisal having identified that the development would be unlikely to affect the ecological value of the area.
- In response to Committee concerns that the area could become overdeveloped in the future, officers reassured the Committee that any new development proposals would be subject to detailed assessment in terms of compliance with national and local planning policy which would include impact on neighbouring properties, the existing character of the area, design and scale as well as mix of tenure and environmental considerations and would need to demonstrate how these requirements were met prior to consideration.
- In answer to a Committee query regarding the impact of the proposed development on flooding and drainage in the area, officers advised that the Local Lead Flood Authority had been consulted and noted that despite the proposal leading to a 48% increase in non-permeable space within the site,

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the proposed implementation of sustainable drainage measures via 25 cubic metres of storage attenuation would significantly reduce the controlled discharge rates, with an 86% reduction in a 1 in 100 year event. Consequently the development provided a significant betterment from a flood risk perspective.

- Officers advised that due to the area around the site having been identified as previously contaminated, a full assessment of land contamination would be required. This would be secured by condition, together with the implementation and validation of any necessary remediation measures.
- Officers informed the Committee that if the scheme were approved, it would not be possible to give a time frame as to when construction would start as there were a number of factors that would impact on this including the outcome of the land contamination and other assessments and pre construction conditions needing to be met. Therefore it was possible that concerns regarding the construction of two adjacent developments in tandem would be alleviated, given that work was already underway at 162 Willesden Lane.
- A Construction Plan would need to be submitted ahead of construction, this would address how any disruption in the event of work being completed on both sites would be mitigated to minimise disruption.
- Following a Committee comment recognising that the proposed scheme's communal space should be for the use of all residents not just those in the ground floor units, it was agreed that a further condition be added to clarify that communal space was for use by all residents within the new development.
- Whilst noting the proposed development would be car free with no parking provided on site and on street permit parking restrictions members were advised this had been considered to be acceptable given the good accessibility of public transport in the area. Officers advised that the proposed development had been given a Public Transport Accessibility Level (PTAL) rating of 4, which was considered a high rating given that PTAL ratings were from 1- 6. The closest over ground station to the site was Brondesbury Park, with Kilburn being the closest tube station. There were also a number of local bus routes in close proximity. The Committee were also advised that in line with London Plan Policy T5 a store room at lower ground floor level would provide 40 secure cycle parking spaces.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendation that included the additional conditions as set out below.

DECISION: Granted planning permission subject to:

- (a) the prior completion of a legal agreement to secure the planning obligations set out within the report along with updates detailed within the supplementary agenda and following additional obligation agreed at the meeting:
 - Inclusion of an additional financial contribution of £15,000 towards the improvements of local parks and open spaces.
- (b) the conditions and informatives set out in the report and updates detailed within the supplementary agenda along with the inclusion of the following additional condition agreed at the meeting:

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- To require that the communal spaces are for use by all residents within the development.

(Voting on the recommendations was as follows: For: 7, Against 0 and Abstain 0)

5. 21/3443 – 30 Brondesbury Park, Kilburn, London, NW6 7DN

PROPOSAL

Demolition of the existing property and erection of 9 residential units (6 flats in a three-storey building and 3 two – storey terraced houses) together with access, parking, landscaping and associated works.

RECOMMENDATIONS

- (1) That the Committee resolve to GRANT planning permission subject to conditions and informatives as set out within the report.
- (2) 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.
- (3) That the Committee confirms that the adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990 .

June Taylor, Principal Planning Officer, South Team, introduced the report and set out the key issues. In introducing the report members were advised that the application was seeking the demolition of the existing building in order to be replaced by six flats in its place (three x 2 bedroom and three x 3 bedroom) together with one x 4 bed house and two x 3 bed houses addressing the Aylestone Avenue frontage.

The Committee were advised there had been an error on the original report regarding the breakdown of terraced houses with the correct number and size of dwellings being reflected in the proposal as outlined above.

Three on site parking spaces would be provided, one using the existing access from Aylestone Avenue and two using a new crossover on Aylestone Avenue. The existing vehicle crossover on Brondesbury Park would be removed and reinstated to provide a footway. Associated landscaping, cycle storage and bin storage would also be provided.

As the Committee had no questions for the officer at this point, the Chair invited the first public speaker on the item, Mr. Abhisheet Parikh (objector) to address the

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Committee (in person) in relation to the application, who went on to highlight the following concerns:

- Mr Parikh advised that he lived in a neighbouring property to the proposed development with shared a party wall. His main concerns related to the design and scale of the development which he felt would negatively impact on his and other neighbouring properties by creating significant overlooking.
- Whilst not objecting to the conversion of the property to flats his concerns were focussed around the terraced houses proposed. Whilst noting that the west facing elevation diagram in the report pack showed that the development would be set back, Mr Parikh was not satisfied that this would effectively mitigate his concerns and felt that even if a high party wall or trees were used as green screening this would continue to adversely impact on the daylight/sunlight within his garden and overshadow his property.
- Mr Parikh shared that as a long standing resident of Brent he would be grateful if the Planning Committee were mindful of his and other local residents objections and impact which it was felt the development would have on the neighbouring properties.

The Chair thanked Mr Parikh for his contribution. Having clarified the distance of the affected boundary wall to the development site there were no further questions from Committee members so the Chair invited the next speaker James Young (objector) to address the Committee (in person) in relation to the application, with the following concerns highlighted:

- Mr Young introduced himself as local resident who lived in close proximity to the garden area that would be built upon if planning permission for the scheme were to be approved.
- Mr Young advised the Committee that his objections were in relation to the breaking of the building line on Aylestone Road which would affect all residents of Aylestone Road. The Committee were referred to a handout circulated on behalf of Mr Young in advance of the meeting prepared to demonstrate the breaking of the building line.
- In addition, Mr Young shared concern about the application setting a potential precedent for “garden grabbing” whereby other locally identified gardens in plots of land on the handout provided could attract similar development proposals, leading to an overintensification of development in the area.
- Whilst acknowledging the need to provide more local affordable housing he highlighted the lack of affordable housing units within the development along with the detrimental impact it was felt the proposals would have on the character of the area, neighbouring properties in terms of daylight and privacy.

In terms of issues raised by the Committee the Chair, whilst acknowledging the loss of green space, also felt it important to highlight this as a corner site development. In accepting this point, Mr Young felt that significant concerns remained in relation to the overall scale and mass of the proposed development and its detrimental impact on building lines on Aylestone Avenue.

As Committee members had no further questions, the Chair invited the final speaker Laura Jenkinson (applicant’s agent) to address the Committee (in person)

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in relation to the application. Laura Jenkinson went on to share the following key points:

- The applicant had positively engaged throughout the application process with officers, residents and councillors. This has included pre-application meetings with Brent's planning and design officers who had shared positive feedback on the proposals.
- The proposed scheme sought to replace a single property which was currently split into three flats, with three good sized family houses and six spacious flats. Noting the comments on privacy, the applicant had sought to preserve the privacy, amenity and relationship to neighbouring buildings in accordance with Brent's policies and Design Guide SPD. The rear wall of the terrace houses was situated 8.9m from the side garden of 32 Brondesbury Park with clarification provided that the south facing windows on Flats 05, 07 and 09 were over 30m from 1 Aylestone Avenue. There were no windows facing No 1 Aylestone Avenue, other than a non-habitable south-facing hall window in House 01 which looked out onto the front driveway of the adjoining site. As such, the scheme complied with Brent design guide rules and retained adequate separation distances with surrounding properties.
- The proposed development would provide public benefit in line with the London Plan that emphasised the important role that small sites should play to tackle London's housing crisis. The proposals supported this objective, and were in line with Brent's policy for small sites as well as contributing to the borough's housing target by providing nine high quality new family homes.
- The homes would be constructed to a high quality design that responded to the suburban character of the area, with three houses fronting Aylestone Avenue and six flats within a single building fronting Brondesbury Park. This efficiently utilised the site's corner position.
- The proposed landscaping strategy would provide 22 new trees to increase the soft landscaping on the site with a combination of well-proportioned landscaped private gardens and a communal garden, flower-rich perennial planting, boundary hedge treatments, amenity grassland and permeable paving.
- Sustainable design and construction measures were proposed including water conservation and energy efficiency measures.
- Three off street parking spaces and a dedicated and secure cycle parking store for 20 bicycles would be provided to encourage sustainable modes of travel.
- The scheme would see Brent benefit from a CIL contribution from the developers which would help towards improving both local and regional infrastructure.

In response to Committee questions Laura Jenkinson clarified the following points:

- In response to concerns highlighted regarding the lack of affordable housing units within the proposals Laura Jenkinson confirmed that the application had been supported by an independent viability assessment which had confirmed the site could not viably deliver any contribution towards affordable housing, although the scheme would deliver 66% family sized housing units which exceeded Brent's policy target.

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- In response to a question regarding the applicant's future plans for the completed development the Committee were advised of the applicant's preference to retain the site for his purposes and family use.
- In response to a Committee question regarding what could be done to maintain the character and attractive frontage of the building to ensure it remained in keeping with the area Laura Jenkinson outlined the extensive work undertaken with the Planning and Design Officer in seeking to retain the distinctive character of the current building.
- The clarification provided that whilst the impact on daylight and sunlight in relation to four side facing windows at 32 Brondesbury Park would fall slightly below BRE target values the development had been considered acceptable in terms of Brent policy guidelines given the light and outlook to those windows was already constrained given their position and close proximity to the existing building on site.

As there were no further questions for the agent the Chair invited Committee members to ask the officers any remaining questions or points of clarification that they required. Committee members had a number of questions for officers, including a query regarding the building line, the tree planting schedule, daylight/sunlight assessments and the wider benefits for local residents as a result of the scheme. Officers responded to the questions raised as follows:

- In relation to the query regarding the change in the building line officers advised that in order to increase the intensification opportunities of the site it was necessary that the building line stepped forward. The terraced houses would add active frontage to the streetscape and greening to the street through the front garden. In addition to this the separation distances to either site had been carefully judged to ensure the building would appear as a continuation of the three storey apartment block and as part of the corner site rather than having a stronger visual connection to the properties on Aylestone Road. Officers felt that on balance the minimal stepping forward of the building line was acceptable. Slides were then shared to provide the Committee with greater context as to how the revised building line would appear.
- Officers confirmed that the arboricultural report submitted included a survey of 13 trees, tree groups and hedges which had been categorised as being of high, medium or low quality. The proposal would lead to the removal of nine trees and part of the privet hedge, all of which had been classified as low quality Category C trees or as unsuitable for retention. Three trees including two high quality Category A trees and a moderate quality Category B tree would be retained with 22 new trees provided to include a mixture of sizes and species to replace the trees lost as part of the development.
- In response to a Committee query regarding the frontage of the three terraced houses appearing to be very close to the road, officers advised that the minimum required distance from the road to buildings had been achieved.
- Following a Committee question regarding which road would provide the main access point to the development, officers advised that the front doors to the terraced properties would be on Aylestone Avenue, however it was noted that there was also access via Brondesbury Park.
- Officers informed the Committee that fire safety considerations had been detailed within the report and noted that the proposal was in accordance with London Plan Policy D12A (Fire Safety).

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- In clarifying the position regarding the assessment of impact arising from the development on light and outlook the Committee was advised that the proposals complied with the 30 degree test set out in Brent's SPD1 in respect of all neighbouring properties other than the side facing windows at No 32 Brondesbury Park. It was noted, however, that the existing buildings on the site also caused a breach of the 30 degree test from these windows although the proposals would comply with the 45 degree test in respect of the rear garden to No 32 Brondesbury Park. In view of the assessment provided, however, officers were of the view that the development would retain adequate separation distances with surrounding properties. Whilst acknowledging that some windows at No.32 Brondesbury Park would experience a reduction in daylight and sunlight it was felt the impact would be commensurate with the character of the area and would reflect existing constraints experienced by the side facing windows in close proximity to neighbouring properties. On this basis confirmation was provided that the impact on neighbouring properties in this respect was considered to be acceptable and did not outweigh the benefits of the scheme.
- The Committee questioned what benefits the scheme would bring to local residents other than additional housing stock, noting that usually new developments would aim to extend additional positive benefits to the local area. Officers advised that the new housing was the main benefit to the scheme as well as some benefits to the streetscape and landscaping.
- Clarification was also provided in relation to the CIL liability contribution which had been estimated at £160,664 plus an additional £32,000 contribution towards the Mayor for London fund.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives set out in the report and updates detailed within the supplementary agenda.

(Voting on the recommendation was as follows: For 5, Against 1 and Abstain 0)

7. Any Other Urgent Business

None

The meeting closed at 8:09pm.

COUNCILLOR KELCHER
Chair

APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

Provision of infrastructure

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

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

13 July, 2022
04
21/1124

SITE INFORMATION

RECEIVED	26 March, 2021
WARD	Kingsbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	363 Edgware Road, London, NW9 6AF
PROPOSAL	Demolition of showroom and multi-storey carpark building and erection of a ground plus up to 19 storey building to provide residential units (Use Class C3) with commercial use (Use Class E) at ground floors, together with associated parking at basement and landscaping
PLAN NO'S	Please see Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_154392</p> <p><u>When viewing this as an Hard Copy</u> _</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "21/1124" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

Referral to the Mayor of London (stage II referral)

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement
3. Provision of 20 units [10 x 2bed and 10 x 3bed] as London Affordable Rent, disposed on a freehold / minimum 125 year leasehold to a Registered Provider and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights for the Council on initial lets and 75% nomination rights for the Council on subsequent lets.
4. Provision of 6 Shared Ownership units [3 x 1bed and 3 x 2bed] as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider.
5. Early stage viability review (drafted in line with standard GLA review clause wording) to be submitted where material start does not commence within 2 years of planning permission being granted. Viability review to set out details of additional on-site affordable housing where uplift in profit is identified. Viability review to be based on an agreed Benchmark Land Value of £5.08m.
6. Late stage viability review (drafted in line with standard GLA review clause wording) to be submitted at or after 75% occupation of the private residential development. An offsite affordable housing payment to be made where an uplift in profit is identified. Viability review to be based on an agreed Benchmark Land Value of £5.08m. Not more than 90% of the private dwellings to be occupied until viability review approved in writing by the LPA.
7. Sustainability and energy
 - a. Detailed design stage energy assessment. Initial carbon offset payment if zero-carbon target not achieved on site.
 - b. Post-construction energy assessment. Final carbon offset payment if zero-carbon target not achieved on site.
 - c. 'Be seen' energy monitoring requirements
8. Financial contributions (indexed from the date of committee resolution)
 - a. To Brent Highways for implementation of a Controlled Parking Zone in the area (£80,000)
 - b. To TfL for public transport improvements (£30,000)
 - c. To Brent Council for enhancement of off-site play provision in Grove Park (£50,000).
9. Submission and approval of Residential and Commercial Travel Plans prior to occupation of the development and the provision of three years' free membership of a Car Club for the first resident of each residential unit and one year's free membership for commercial users.
10. A 'car-free' agreement to withdraw the right of future residents to on-street parking permits in the event that a Controlled Parking Zone is introduced.
11. Submission, approval and implementation of a Training and Employment Plan to secure employment and training opportunities for Brent residents during construction and operation stages including support fee for construction and operational phases and any additional charge against the shortfall in provision of jobs as identified within the employment and training plan.
12. Television and Radio Reception Impact Assessment to be submitted, together with undertaking of any

mitigation measures identified within the Television and Radio Reception Impact Assessment.

13. Safeguard land for future pedestrian link through site as a permissive public right of way.

14. Highway works: removal of vehicle crossover on Edgware Road and reinstatement of footway, at applicant's expense.

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

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

Conditions

Compliance

1. 3 year rule
2. Approved drawings
3. Quantum of development
4. Provide parking etc prior to occupation
5. Water use target 105lppd
6. Non-Road Mobile Machinery
7. Provision of communal aerial and satellite dish system
8. Tenure blind access to podium

Pre-commencement

9. Construction Method Statement
10. Construction Logistics Plan
11. Whole Life Cycle Assessment
12. Circular Economy Statement

Pre-construction

13. Contaminated land site investigation
14. Drainage strategy
15. Future connection to district heat network
16. Details of fibre connectivity infrastructure
17. Road Safety Audit
18. Electric Vehicle Charging Points

During construction

19. Details of cycle parking
20. Materials samples
21. Wheelchair accessible units
22. Sound insulation between commercial and residential floors
23. Landscaping scheme

Prior to occupation

24. Management, maintenance, delivery and servicing plan
25. Lighting strategy
26. Contaminated land remediation and verification
27. BREEAM Excellent certification
28. Car Park Management Plan
29. Air Quality Neutral Assessment
30. Internal noise levels
31. Plant noise levels
32. Commercial kitchens

Informatives


1. CIL Liability
2. Party Wall
3. London Living Wage
4. Soil quality
5. Construction hours
6. Maintenance of drainage features
7. Highway dilapidation survey

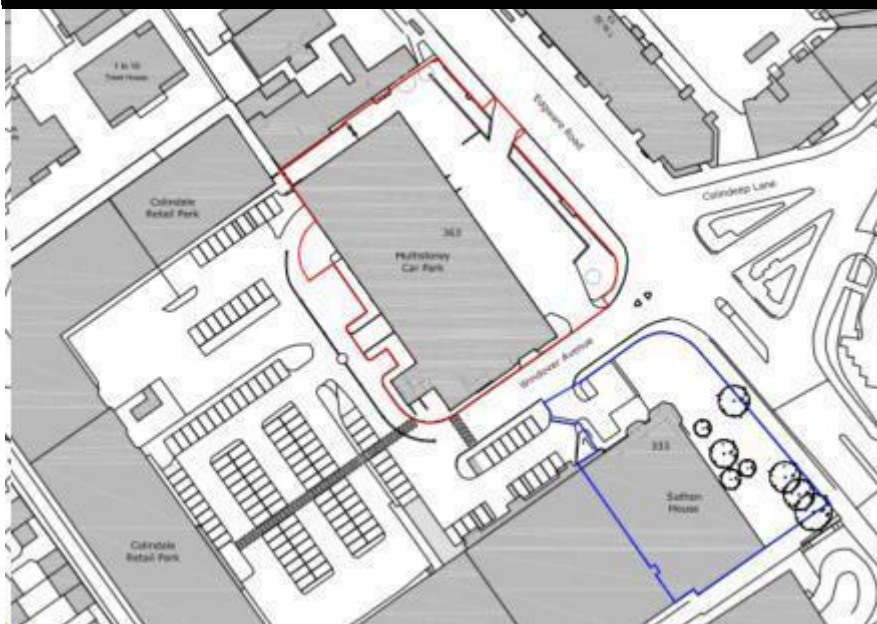
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied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

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

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

SITE MAP

	Planning Committee Map
Site address: 363 Edgware Road, London, NW9 6AF	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

PROPOSAL IN DETAIL

The proposal is for the comprehensive mixed use redevelopment of the site, to provide:

- 1,262sqm of commercial floorspace (Class E), comprising five separate units arranged across the ground and upper ground floors, fronting onto Edgware Road, Windover Avenue and the rear access road respectively;
- 165 residential units on the upper floors, arranged in four cores around a first floor podium garden for communal residential use;
- a basement parking area for 59 car parking spaces in addition to parking space for motorcycles.

Amendments and additional information were received during the course of the application as follows:

- Alterations to landscaping to southern-eastern elevation, including removal of tree in front of residential entrance on Windover Avenue;
- Glazed screen now proposed between the cycle store entrance and corner of residential entrance lobby;
- Indicative areas of differing surface treatment to the colonnade paving area.
- Additional drawings and further information were submitted to provide further details on ground level building frontages and entrances, proposed materials, quantity of amenity space proposed, urban greening factor.
- The Daylight, Sunlight and Overshadowing Assessment was revised to include additional information.
- The Energy Statement and Overheating Assessment, BREEAM Pre-Assessment and Sustainability Statement were revised to address queries raised by Brent and GLA officers.

Further information on the amendments submitted was provided in the agent's covering letter.

Neighbouring properties were consulted on 22 July 2021 on these amendments, as set out in the Consultation section of this report.

Further amendments were received subsequently, consisting of:

- revised layout for units 1.01, 2.01, 3.01, 4.01, 5.01 and 6.01 to omit windows facing onto adjoining boundary;
- revisions to upper ground floor plan to provide a single combined bin store and relocate the southwest-facing commercial unit;
- further information on servicing arrangements and revisions to tracking diagrams provided in Draft Delivery and Servicing Plan.

These amendments relate only to concerns raised in respect of the relationship with the Colindale Retail Park, and did not require a further period of consultation with other neighbouring properties.

The Daylight, Sunlight and Overshadowing Assessment was subsequently revised to include more information relating to impacts on neighbouring properties. All properties previously consulted and all other parties having registered a comment previously were reconsulted on 28 February 2022, as set out in the Consultations section.

EXISTING

The existing site consists of a four-storey building comprising a car showroom at ground floor and multi-storey car park above, together with an extensive site frontage used mainly for car parking.

The site is located on the western side of Edgware Road, which forms the borough boundary with the London Borough of Barnet on the eastern side, at its junction with Windover Avenue. Ground levels rise by approx 3m from the front to the rear of the site. Vehicle access to the car park is taken via Windover Avenue from the rear of the site, which also provides access to surface level parking servicing the Colindale Retail Park. The car showroom has a separate vehicle access from Edgware Road.

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

SUMMARY OF KEY ISSUES

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

Neighbour objections: 251 objections have been received from neighbours and from staff and parents of students at Beis Yaakov Primary School, raising concerns about the principle of piecemeal delivery of the site allocation and the impact of the proposal on the development potential of the adjoining site, the scale of development and impact on local infrastructure, the impact on school students in terms of daylight and sunlight, the visual impact of the building on the setting of the school as a locally listed building (a non-designated heritage asset) and on the character of the area generally, overlooking onto adjoining sites and loss of privacy, insufficient parking provision, conflict with existing vehicle movements on Windover Avenue, increased traffic and congestion, lack of pedestrian permeability through site and insufficient public realm, impact of construction process on local area and businesses.

Principle of development: The proposal to redevelop this allocated Growth Area site for a residential-led development with commercial uses at ground floor responds well to the requirements of the adopted and recently revoked site allocations and is acceptable in principle. Notwithstanding objections on this issue, neither the adopted nor the recently revoked site allocations require a comprehensive redevelopment scheme and the proposal would not prejudice the redevelopment of the adjoining site.

Affordable housing and housing mix: The proposal would deliver 18.6% affordable housing by habitable room, in a policy-compliant tenure split (20 London Affordable Rent homes and six homes for shared ownership). Whilst this is below the 35% threshold to meet the “fast track” route, it has been demonstrated to be the maximum reasonable amount that can viably be delivered in this case. Early stage and late stage review mechanisms would secure additional contributions if viability improves. The proportion of family-sized homes would be 25%, in accordance with Brent’s policy target.

Design, scale and appearance: The site is designated as being suitable for tall buildings and the surrounding area is of mixed character, with other existing and consented tall buildings in close vicinity on Edgware Road. The proposal for a building of up to 19 storeys has been assessed in the context of a range of representative views, including in relation to the locally listed Beis Yaakov Primary School. Whilst there would be some harm to the setting of this non-designated heritage asset, the harm would be limited and would be outweighed by the planning benefits of the scheme. The proposal would deliver an active ground floor frontage, improved pedestrian environment and landscaped public realm, and the building would be well articulated through the architectural form and detailing to effectively break up the bulk and mass.

Relationship with neighbouring properties: The proposal would maintain a 9m separation between habitable room windows and the boundaries with adjoining sites, other than encroaching onto a small area of the Colindale Retail Park that is unlikely to be developed in the future. Overlooking onto the Beis Yaakov Primary School would be further prevented by design features including a set back on the seventh floor roof terrace. There would be some noticeable loss of daylight to habitable room windows in Zenith House and to classrooms in the Beis Yaakov Primary School, however these are commensurate with the high density urban character of the area and are considered to be acceptable on this basis. No other properties would be materially affected.

Residential living standards: The proposal would provide 165 new homes complying with minimum internal space standards and other relevant policy criteria. A variety of landscaped external amenity spaces including play space would be provided for residents at podium and roof levels, and there would be a small residual shortfall of 20sqm against Brent’s Policy BH13 standard, which would be mitigated by a financial contribution of £50,000 towards enhancement of public open space in Grove Park.

Sustainability and energy: The development would achieve a significant reduction in carbon emissions against the 2013 Building Regulations baseline (88% for residential and 72% for non-residential) and a BREEAM Excellent rating for the commercial floorspace. Contributions to Brent’s carbon-offsetting fund would be secured through the s106 agreement, together with a revised energy assessment at detailed design and post-completion stages.

Environmental health considerations: Subject to conditions regarding air quality, noise, lighting, contaminated land and the construction process, the development would be acceptable in terms of local

environmental impacts.

Impacts on microclimate and reception of TV and radio services: The wind microclimate assessment has identified mitigation measures required to maintain suitable wind conditions, and these would be provided as part of the development. Impacts on reception of TV and radio services would be surveyed prior to commencement and following completion, and any mitigation measures required would be secured through the s106 agreement.

Trees, biodiversity and urban greening: The proposal would lead to the loss of three trees and the planting of 15 trees as part of the ground level public realm, in addition to ten trees on the roof terraces and a variety of planted elements to enhance the biodiversity of the site. An urban greening factor of 0.2775 would be achieved, which, while below the target of 0.4, would be a significant improvement on the existing site and is considered acceptable on balance.

Flood risk and drainage: The risk of flooding from all sources would be low. Surface water drainage would utilise channel drains and green roofs, and would be in accordance with the London Plan sustainable drainage hierarchy.

Transportation considerations: A total of 59 on-site parking spaces are proposed, including two disabled spaces for the commercial uses and 57 spaces for the residential units including five disabled spaces. The parking ratio of 0.35 spaces per unit is acceptable given that the site has moderate access to public transport services and is on the cusp of an area with good access. Parking would be provided in a basement car park accessed via Windover Avenue, a private road over which the site has access rights. Servicing and waste collection would take place from loading bays within the site, also accessed from Windover Avenue. Cycle storage would be provided in accordance with London Plan standards. Notwithstanding concerns raised, the access and servicing arrangements are considered to be acceptable in transport terms subject to conditions and a Travel Plan being secured. The proposal would not generate significant levels of vehicular traffic and would provide a financial contribution of £30,000 towards the upgrade of Colindale Underground Station.

RELEVANT SITE HISTORY

No relevant site history.

CONSULTATIONS

Neighbour Consultations

1,688 neighbouring properties including those in Barnet within close proximity to the site, and Friends of Eton Grove Park, were notified by letter of this proposal on 23 April 2021.

Four site notices advertising the proposal were displayed on lampposts outside the property from 19 April 2021. A notice advertising the proposal was placed in the local press on 22 April 2021.

The following responses were received;

- 10 objections from neighbouring properties including 5 properties within Brent;
- 21 objections from members of staff at Beis Yaakov Primary School, including 19 copies of a standard letter (of those providing a home postal address, none are resident within Brent);
- 208 objections from parents of children attending Beis Yaakov Primary School, including 201 copies of a standard letter (of those providing a home postal address, none are resident within Brent);
- an objection from the owners of Colindale Retail Park.

- 2 comments in support of the application from neighbouring properties, one from within Brent and one from within Barnet;
- 101 letters in support of the application from neighbouring properties, submitted by the applicants. These are identical proforma letters.

Comments have been summarised below.

Objections from neighbours	Officer comment
Will create additional pressure on local resources,	The development would generate Community

with no improvement of infrastructure or public benefits.	Infrastructure Levy funding to support investment in local infrastructure improvements.
Over-development. Too many tall buildings in the area. Should be developed as green open space or something beneficial to the community, such as schools, public venues, rather than more high rise buildings.	This issue is discussed under 'Principle of development'.
Height is not justifiable. Development will look out of place against surrounding smaller buildings, and will not fit in with existing character of area.	This issue is discussed under 'Design, scale and appearance in relation to surrounding area.'
Overbearing impact and impact on right to light of surrounding properties. Loss of view.	This issue is discussed under 'Relationship with neighbouring properties'. However, loss of view is not in itself a material planning consideration.
Impact on Beis Yaakov School as listed building, including loss of light and privacy, overbearing effect and impact on character of area.	These issues are discussed under 'Design, scale and appearance in relation to surrounding area' and 'Relationship with neighbouring properties'. To clarify, the Beis Yaakov School is a locally listed building, not a listed building.
Impacts of noise and other forms of pollution on existing local residents.	This issue is discussed under 'Environmental health considerations'.
Insufficient parking provision given loss of multi-storey car park, will further reduce parking in area and increase congestion, traffic and road safety concerns.	This issue is discussed under 'Transportation considerations'
Increased traffic and congestion leading to poorer air quality.	This issue is discussed under 'Environmental health considerations' and 'Transportation considerations'.
Impact of construction process on the area and local businesses.	Construction impacts would be managed through a Construction Method Statement and Construction Logistics Plan.
Objection from staff and parents of Beis Yaakov Primary School	Officer comment
Scale, mass and height of development: existing car park is of similar height to school building and set off shared boundary so contextually appropriate. Proposed building will be six storeys on shared boundary and will tower over school, creating stark contrast and denigrating appearance of school. The school is a locally listed building and therefore a designated heritage asset. The increase in building height does not take this into account. Despite increased building heights in the area, the scale and height of this development is excessive and cannot be justified, is out of character and would fail to harmonise with the surrounding streetscape, appearing disproportionate.	These issues are discussed under 'Design, scale and appearance in relation to surrounding area.' To clarify, the status of a locally listed building is defined in the National Planning Policy Framework as a non-designated heritage asset, not a designated heritage asset. Nevertheless, the significance of all heritage assets (either designated or non-designated) are afforded great weight, and this has been considered and discussed in this report.
Scale of building would create sense of enclosure and have overbearing impact when viewed from	This issue is discussed under 'Relationship with neighbouring properties'.

school, especially for infants.	
Overlooking and loss of privacy, including to nursery play area and roof top playground at Beis Yaakov School, due to height and siting of proposed habitable room windows and roof terrace on north western elevation.	This issue is discussed under 'Relationship with neighbouring properties'.
Views from side-facing windows and roof terrace creates potential security risk due to antisemitism.	This issue is discussed under 'Equalities'.
Loss of daylight and sunlight to school and playground, and consequent detrimental impact on mental health and well-being of staff and students.	This issue is discussed under 'Relationship with neighbouring properties'.
Impact on school safeguarding responsibilities as children will have views into residential apartments.	Issues relating to privacy are discussed under 'Relationship with neighbouring properties'. Safeguarding is not in itself a material planning consideration as it is supported by a separate legislative regime.
Overdevelopment of site will lead to increased traffic and will have significant detrimental impact on free flow of traffic, pedestrian and highway safety in area.	This issue is discussed under 'Transportation considerations'
Under provision of parking spaces, especially as development is replacing existing car park. Due to limited on-street parking in area and small size of school car park, parents have to park off-site in surrounding residential streets when collecting children from school. Development will put additional pressure on on-street parking in area.	This issue is discussed under 'Transportation considerations'.
Commercial units will attract further pedestrian and vehicle traffic.	This issue is discussed under 'Transportation considerations'.
Disturbance from construction work impacting on children's learning.	Construction impacts would be managed through a Construction Method Statement and Construction Logistics Plan.
Objection from owners of Colindale Retail Park	Officer comment
The allocated site should be redeveloped in a comprehensive manner rather than through piecemeal planning applications. Stakeholder engagement with owners of Colindale Retail Park is critical.	The site allocation does not require this to take place and the Council cannot direct the manner in which sites come forward to this extent. Pre-application stakeholder engagement by the applicant is described in the Statement of Community Involvement, summarised below.
Proposal would prejudice redevelopment of adjoining site (Colindale Retail Park) by failing to maintain 9m 'no build zone'.	The 9m separation distance requirement is discussed in 'Relationship with neighbouring properties'.
Conflict between existing and proposed vehicular movements along Windover Avenue	This issue is discussed under 'Transportation considerations'.
Benefits of southwest-facing courtyard could be negated by redevelopment of adjoining site.	This issue is discussed in 'Relationship with neighbouring properties'.
Lack of permeability through site. Back of house	These issues are discussed under 'Design, scale

functions concentrated at the rear. Missed opportunity to provide pedestrian / cycle route on northern boundary to connect with Colindale Retail Park.	and appearance in relation to surrounding area' and 'Transportation considerations'. To clarify, the development allows scope for a pedestrian connection within the site on the northern boundary, which would be secured under the s106 agreement to be implemented if required in the future.
Layout has maximised built footprint to detriment of public realm offer.	This issue is discussed under 'Design, scale and appearance in relation to surrounding area.
Concerns over suitability of Windover Avenue for construction traffic and impact of construction traffic on existing retail operations.	Construction traffic impacts would be managed through a Construction Logistics Plan.

Following the receipt of amended plans and additional information, a further consultation was carried out on 21 July 2021. This was addressed to all objectors who had not been consulted initially, in addition to all neighbours who had been notified originally, the total number notified being 1,837. Further comments were received from eleven new objectors (nine neighbouring properties within Brent and two neighbouring properties within Barnet). However, the issues raised are covered in the objections above. This brings the total number of objections up to 251.

As noted above, all properties previously consulted and all other parties having registered a comment previously were reconsulted on 28 February 2022. Objections were received from one neighbouring property within Brent and three neighbouring properties within Barnet, one of whom had submitted an objection previously. One objector raised concerns regarding the impact on property values, which is not a material planning consideration. The other issues raised are covered in the objections above. This brings the total number of objections up to 254.

External and statutory consultees:

Greater London Authority / Transport for London

The following comments were made within the GLA Stage 1 response. These have been taken into account when considering and negotiating the proposal.

Land use principles: The redevelopment of this site (part of a larger site allocation in the local plan) within the Burnt Oak/Colindale Growth Area to deliver a residential-led mixed-use scheme is strongly supported in line with London Plan Policy H1 and Good Growth Objective GG2.

Affordable housing: The scheme is proposing 19% affordable housing by habitable room (82% affordable rent and 18% shared ownership). GLA officers will robustly interrogate the applicant and the Council's assessments to ensure that the maximum amount of affordable housing the scheme could provide is delivered. In the interim, the applicant should engage with Registered Providers and explore the use of grant as part of this process.

Heritage and urban design: No harm would be caused to the locally listed Beis Yaakov Primary School. The approach to design is generally supported, with well activated frontages, good residential quality and height/massing that is consistent with the existing and emerging context and is acceptable subject to the matters raised in relation to impacts being satisfactorily addressed.

Transport: Further information should be provided with respect to Healthy Streets and deliveries/servicing access. In addition, the trip generation assessment should be amended to enable the public transport impacts to be accurately assessed and appropriate conditions secured in relation to various transport-related plans, Blue Badge parking and EVCPs.

Sustainable development: Further information on various components of the energy strategy is required before the expected carbon dioxide reductions and overall savings can be confirmed. A circular economy statement and confirmation of the water efficiency strategy for the commercial element are also required.

Transport for London additional comments: A road safety audit is requested, to demonstrate the safety of

the access and servicing arrangements, in accordance with Vision Zero. Provision of dedicated long-stay commercial cycle store should be considered. Vehicle trip generation overestimated as does not take account of proposed parking ratio. Financial contribution to upgrade of Colindale Station is required, contribution to bus services may be required. Strategic traffic impacts not expected to arise. Further information on proposed footway widths requested.

London Borough of Barnet: Objection: (1) detrimental to residential amenities of residents in Barnet, in particular occupants of lower levels of Blocks A and B of Zenith House; (2) detrimental impact on streetscene and wider local area due to height, massing and imbalanced nature; (3) separated access for affordable housing element goes against principles of inclusive design, having detrimental impact on shared community.

Thames Water: No objection subject to conditions and informatives

Local Lead Flood Authority: No objection

Designing Out Crime Officer for Metropolitan Police: Comments discussed in main body of report.

Environmental Health and Noise Control Team: Conditions requested to secure air quality neutral assessment, details of commercial kitchen extract systems, acceptable internal noise levels and plant noise levels, sound insulation between commercial and residential uses, investigation of contaminated land, external lighting mitigation measures, demolition and construction method statement.

Sustainability and Energy: Notes GLA has commented in detail on Energy Statement. Further queries on BREEAM Pre-assessment [officer note: the applicant has provided further clarification on these].

Statement of Community Involvement

The applicant's Statement of Community Involvement describes measures taken to engage with local residents and other local groups. These were affected by the Covid-19 pandemic and subsequent requirements for social distancing, and so comprised engagement via postal and website tools, providing virtual consultation sessions accessible via phone or online.

Leaflets were distributed to 1,800 nearby properties on two occasions, providing details of the consultation website and virtual sessions. Further contact was made via email with schools including the Beis Yaakov Primary School and local community groups, local councillors and the MP. The events, website address and contact details were also advertised in the Brent and Kilburn Times.

Feedback was received from 24 local residents, and included concerns about height and the impact on neighbours' daylight and sunlight, criticisms of local planning policy supporting increased housing density in this area, queries about the level and tenure of affordable housing proposed, and concerns about impacts on local parking provision.

A separate briefing was organised for representatives of the Beis Yaakov School, followed by a site visit. The applicant team was advised to liaise with the Community Security Trust (CST) and further advice was provided by the CST to address safety and welfare concerns. The applicants also met with the owners of Colindale Retail Park to discuss the proposals, and have sought to engage with them further during the application process.

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 Local Plan 2019-2041

Key policies include:

[London Plan 2021](#)

GG4 Delivering the homes Londoners need
 D1 London's form, character and capacity for growth
 D2 Infrastructure requirements for sustainable densities
 D3 Optimising site capacity through the design-led approach
 D4 Delivering good design
 D5 Inclusive design
 D6 Housing quality and standards
 D7 Accessible housing
 D8 Public realm
 D9 Tall buildings
 D10 Basement development
 D11 Safety, security and resilience to emergency
 D12 Fire safety
 D14 Noise
 H1 Increasing housing supply
 H4 Delivering affordable housing
 H5 Threshold approach to applications
 H6 Affordable housing tenure
 H7 Monitoring of affordable housing
 S4 Play and informal recreation
 E9 Retail, markets and hot food takeaways
 E11 Skills and opportunities for all
 HC1 Heritage conservation and growth
 G5 Urban greening
 SI1 Improving air quality
 SI2 Minimising greenhouse gas emissions
 SI4 Managing heat risk
 SI7 Reducing waste and supporting the circular economy
 SI13 Sustainable drainage
 T2 Healthy streets
 T4 Assessing and mitigating transport impacts
 T5 Cycling
 T6 Car parking
 T6.1 Residential parking
 T6.3 Retail parking
 T7 Deliveries, servicing and construction

Brent Local Plan 2019-2041

DMP1: Development Management General Policy
 BP3: North
 BNGA1: Burnt Oak / Colindale Growth Area
 BNSA2: Colindale Retail Park, multi-storey car park and Southon House
 BD1: Leading the way in good design
 BD2: Tall buildings in Brent
 BD3: Basement development
 BH1: Increasing Housing Supply
 BH2: Priority areas for additional housing provision within Brent
 BH5: Affordable housing
 BH6: Housing size mix
 BH13: Residential amenity space
 BE1: Economic growth and employment opportunities for all
 BE3: Local employment sites and work-live
 BE4: Supporting Strong Centres Diversity of Uses
 BE6: Neighbourhood Parades and Isolated Shop Units
 BE7: Shop Front Design and Forecourt Trading
 BHC1: Brent's Heritage Assets
 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

BT4: Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework 2021

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Character and Context SPG 2014

Mayor of London's Housing SPG 2016

Mayor of London's Play and Informal Recreation SPG 2012

Mayor of London's Sustainable Design and Construction SPG 2014

SPD1 –Brent Design Guide (2018)

Basement SPD 2017

Shopfronts SPD3 2018

DETAILED CONSIDERATIONS

Principle of Development

Residential-led development

1. London Plan Policy H1 establishes new housing targets, with the target for Brent being 23,250 new homes over the ten-year plan period. Brent's Local Plan Policy BH1 responds to this new policy context by proposing plan-led growth concentrated in Growth Areas and site allocations, whilst Policy BNGA1 carries forward the Growth Area designation of Burnt Oak / Colindale previously set out in Brent's Core Strategy Policies CP2 and CP11. This policy seeks to deliver over 2,100 new homes within the Growth Area, in addition to ground floor commercial and employment uses and public realm improvements.
2. The site forms part of the BNSA2 (Colindale Retail Park, multi-storey car park and Southon House) adopted site allocation, and was previously part of the B/C2 (Sarena House / Grove Park / Edgware Road) site allocation. These provide further principles to guide the redevelopment of this site. Both site allocations seek mixed use development (including residential use). The previous site allocation highlighted that the design should not detract from neighbouring uses including the adjacent primary school, although the school site itself was included in the previous site allocation, which allowed for it to form part of a comprehensive redevelopment subject to relocation or on-site provision of a school. The adopted site allocation sets out a number of design principles, including improved permeability and links to the footpaths created in the redevelopment of Sarena House, the reinstatement of historic building lines, tree planting and an active frontage along the Edgware Road frontage, with higher quality public realm. Within the adopted site allocation, the indicative capacity is estimated at around 500 dwellings but this is subject to being determined by a masterplanning process.
3. The existing car showroom is classified as a sui generis use, however it has a retail function in that it facilitates the sale of cars and also includes a car repair workshop of approx 460sqm which would be classified as an employment use in Use Class B2. The applicant's Transport Statement provides a detailed breakdown of the use of the existing multi-storey car park, based on a site visit undertaken in August 2020. This demonstrates that the car park is used primarily for parking and other ancillary uses associated with the car showroom use, and that there is only low demand for commuter parking by office workers working nearby and visitors to the Colindale Retail Park, which is served by a separate surface level car park. The impacts upon provision of parking for the Colindale Retail Park and Southon House are considered in more detail under 'Transportation considerations', however subject to these being considered acceptable there is no in-principle objection to the loss of parking.
4. The proposal would provide 1,262sqm of commercial floorspace in Use Class E, in a number of units of varying sizes including some with a partial first floor to respond to changing ground levels across the site. The commercial units would provide an active frontage onto Edgware Road, Windover Avenue and the rear of the site fronting onto the Colindale Retail Park, and would comply with the requirements of the site allocation in this respect.
5. The car showroom includes ancillary vehicular servicing workshops which as noted above is a Local Employment Site. Local Plan Policy BE3 seeks to protect such sites, but allows their redevelopment for non-employment uses where the site is allocated for development, subject to the maximum viable replacement of the existing employment floorspace being sought. The proposal would represent a loss

of 818sqm of floorspace compared to the existing 2,080sqm, however the servicing workshops only represent 460sqm of the existing floorspace. Policy BE1 also seeks 10% affordable workspace in Growth Areas, but this only relates to developments which include 3000sqm or more of employment floorspace, and therefore would not be applicable in this instance. Officers acknowledge however that the viability assessment demonstrates that the development cannot support minimum policy compliant levels of affordable housing provision. Nevertheless, to ensure that there is no net loss of employment floorspace within the redevelopment of the site, a condition is recommended for 460sqm of the commercial floorspace to be used or purposes within use class E(g).

6. The site allocation also acknowledges the successful trading of the retail function on the site, and as such, considers the potential delivery of a retail use to be acceptable where this is necessary in terms of viability. However, as an out of centre site, this location is not a priority for the delivery of retail, and it is important to ensure that this use remains small scale and primarily to serve local needs.
7. Whilst it is anticipated that the adjacent Colindale Retail Park is likely to be redeveloped over the Local Plan period, this matter is not within the scope of the planning application under consideration and cannot be controlled through this application. However, if the retail park redevelopment reprovides the existing amount of retail floorspace, in addition to new retail floorspace on the current application site, this could result in an overall increase in out of centre retail use across the site allocation. It is noted that no retail impact assessment has been provided in association with the application, as would be required for retail units of more than 500sqm outside of a Town Centre. In order to ensure an acceptable mix of uses, conditions are recommended, to prevent adjoining units being converted into a single retail unit of over 500sqm.
8. Provision of an element of affordable workspace within major commercial developments is supported by London Plan Policy E3 and Brent Policy BE3, particularly within allocated sites, however this is not identified as a requirement in the emerging site allocation. Providing affordable workspace would further undermine the viability of the development and the level of affordable housing provision, and consequently the lack of any affordable workspace provision is considered to be acceptable in this case.

Relationship with wider site allocation

9. It is noted that objections have been raised by the owners of the Colindale Retail Park, on the basis that the proposed development would unacceptably prejudice the ambition of Site Allocation BNSA2 to be holistically delivered, by sterilising parts of the Colindale Retail Park for redevelopment. The objection sets out three grounds:
 - Planning Policy: Limited regard paid to adopted B/C2 or emerging BNSA2 site allocations (it should be noted that this objection was received prior to the adoption of Brent's Local Plan 2019-2041, and that the BNSA2 Site Allocation now forms part of the adopted development plan whilst the B/C2 allocation has been revoked).
 - Layout and Design: Siting and proximity of the proposed development footprint would sterilise the future redevelopment potential of the Colindale Retail Park site.
 - Access: Conflict between the existing and proposed vehicular movements along Windover Avenue, raising significant concerns in terms of its practicality, impact on existing trade and public safety.
10. Officers have sought advice from Counsel on these matters. In relation to point 1, 'planning policy', Counsel's opinion is that neither the now revoked B/C2 nor the now adopted BNSA2 site allocations imply that a single development is required. In comparison, a number of the Council's adopted site allocations do include specific reference to comprehensive redevelopment, which suggests that this was not considered necessary in the case of the BNSA2 allocation (or revoked B/C2 allocation). It is important to note that part of this now revoked site allocation has already been redeveloped (the former Sarena House development). The adopted site allocation refers to a masterplanning process but does not set out any requirement for one. The allocation implies that comprehensive redevelopment would be the preference, for example by identifying multiple landownership resulting in piecemeal development as a risk. However, the allocation does not require a comprehensive redevelopment. Nevertheless, the application would need to demonstrate how it accords with the design principles and infrastructure requirements set out in the site allocation, to ensure that the remainder of the site allocation would not be prejudiced for coming forward for redevelopment in isolation in the future.
11. The applicant's Design and Access Statement sets out an indicative masterplan for the future development of the wider site allocation. This shows the wider site being divided into a number of rectangular development plots separated by a hierarchy of routes providing access through the site and

links to the completed development at Sarena House, including vehicle access routes along Windover Avenue and along the southwestern elevation of the proposed development. Whilst this planning application would not secure any features of the redevelopment of the wider site, it is considered that these principles would provide a logical and acceptable form of development.

12. The layout and design of the proposal is considered to be an appropriate response to the design principles set out in the adopted and emerging site allocations, providing an active frontage and improved public realm, reinstating the historic building line of Edgware Road and utilising the site's Tall Building Zone designation. The tallest element of the building would provide a focal point at the road junction, and the building mass would reduce towards the boundaries with adjoining sites. This issue is discussed in more detail under 'Design, scale and appearance in relation to surrounding area' and 'Relationship with neighbouring properties'.
13. Regarding access arrangements, the applicants have demonstrated to officers' satisfaction that they enjoy rights of access over Windover Avenue and across the surface car park to the rear (to the southeast and southwest of the site). Private property rights are not material planning considerations unless they give rise to some planning harm. Officers consider that no harm would arise from relying on these rights, subject to the access arrangements proposed being satisfactory (this issue is discussed in more detail under 'Transportation considerations').

Conclusion

14. The loss of the car showroom and multi-storey car park has been accepted in the adopted site allocation, and the proposal would comply with the requirements of the site allocation, delivering new housing in addition to new commercial uses including a minimum re-provision of employment floorspace within an active ground floor frontage, without compromising the delivery of the wider site allocation. Appropriate amounts of industrial and retail floorspace would be secured by condition.
15. Subject to the condition above, the proposal is considered to be in accordance with the relevant policies and the requirements of the adopted site allocation, and is acceptable in principle subject to other material planning considerations as discussed below.

Affordable housing and housing mix

Policy background

16. London Plan affordable housing Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing and requires the following split of affordable housing provision to be applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need.
17. Brent's Local Plan Policy BH5 sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. Brent's Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.
18. Brent's Policy BH6 requires one in every four new homes to be family sized, unless it can be demonstrated that the location and characteristics of the development would not provide a high quality environment for families or that meeting this target would fundamentally undermine the delivery of other Local Plan policies.

Assessment of proposal

19. The application proposes the following mix of units:

	Studio	1bed	2bed	3bed	Total	% by habitable room
Private	9	58	40	32	139	81.4

Shared ownership	0	3	3	0	6	3.3
London Affordable Rent	0	0	10	10	20	15.3
Total	9	61	53	42	165	100
% of total units	5%	37%	32%	25%		

20. The proposal would include 42 family-sized units (accounting for 1 in 4 new homes being family sized), including ten in the London Affordable Rent tenure to meet Brent's priority need for affordable family-sized housing, and complies with the relevant policies in this respect.
21. The proposal includes a total of 18.6% affordable housing by habitable room, with a tenure split of 82.4 : 17.6 in favour of London Affordable Rent against shared ownership. The proportion of Affordable Housing is below the level set out in Brent and London Plan policies to qualify for the fast track route, therefore a Financial Viability Appraisal (FVA) has been submitted to demonstrate that this represents the maximum reasonable amount that can be delivered in this scheme. The appraisal puts forward a Benchmark Land Value of £5.08m and concludes that the scheme results in a deficit of £12.37m based on the above affordable housing provision, largely due to the high existing use value. However, sensitivity testing shows that the scheme is deliverable under a number of scenarios. (For example, a value engineering exercise has shown that costs could be reduced by c. £4.02m to result in a deficit of £8.18m).
22. The FVA has been reviewed on behalf of the Council by BNP Paribas. They accept the Benchmark Land Value of £5.08m but arrive at a deficit of £11.08m. Sensitivity testing has shown that removing the basement car park would reduce the deficit to £6.92m. When combined with value engineering measures to reduce costs by £4.08m, removing the basement car park would still leave the scheme in deficit, albeit by only £2.84m. The scheme is therefore considered to include the provision of the maximum reasonable amount of Affordable housing. In line with policy, an early stage review would be secured and would be triggered if the scheme is not commenced within 2 years of the grant of consent and a late stage review would also be secured to test the viability of the scheme against actual values and costs.

Conclusion

23. Subject to affordable housing provision being secured through the s106 agreement, together with early stage and late stage review mechanisms, the proposal is considered to comply with policies on affordable housing and housing mix, and is acceptable in this respect.

Design, scale and appearance in relation to surrounding area

Policy context and background

24. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development.
25. The NPPF also states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Locally listed buildings are considered non-designated assets.
26. London Plan Policies D3 and D9 provide more detailed guidance relevant to the design of high density developments including tall buildings, whilst Brent's Policy DMP1 and the Brent Design Guide SPD1 provide further guidance on principles of good design, and Local Plan Policy BD1 seeks the highest quality of architectural and urban design. Policy BD2 defines tall buildings as those of over 30m in height, and directs these towards designated Tall Building Zones. Brent's Policy BHC1 requires a heritage statement to assess any impact on heritage assets.

27. The BNSA2 site allocation identifies the site as being within a Tall Building Zone and suitable for tall buildings. It also seeks tree planting on Edgware Road and enhanced public realm, in addition to active ground floor frontages.
28. The surrounding area is mixed in character but typically comprises large scale buildings set back from the road frontage, with the A5 Edgware Road creating a traffic-dominated intensely urban area. The extensive set backs create a weakly contained street scene of buildings that relate poorly to the street, however to the north and south are examples of traditional retail frontages that provide more activation. The emerging context is of high density mixed use development including a number of tall buildings which have little or no set back from the road frontage and have active frontages. These include Zenith House, up to 17 storeys tall immediately across Edgware Road and within the borough of Barnet (planning ref H/04167/10).
29. To the north west of the site, the Beis Yaakov Primary School is a three-storey neo-Georgian building dating from approx 1915, which is a locally listed building and so classified as a non-designated heritage asset. However the extended part of the building nearest to the boundary with the site is a more recent addition (granted permission under ref 11/2730) which is not considered to have the architectural and historic significance of the original building.
30. To the north, the site at Park Parade Mansions is adjacent to the Beis Yaakov School and on the junction with Grove Park, and has consent under ref 17/2284 for a development of up to 18 storeys. This building would only be four storeys tall adjacent to the school, but would sit forward of the front building line of the school building by approx 20m to align with the pavement without any set back.
31. Further to the north, existing tall buildings on Edgware Road include the 13-storey Utility Warehouse on the Barnet side and the 19-storey TNQ development on the Brent side.
32. To the rear of the School, the former Sarena House site has been redeveloped under ref 14/2930 to provide eight buildings of two to six storeys.

Bulk, height and massing

33. The proposal would consist of four residential cores linked together into a single building, also providing commercial units to activate the frontages on each of the three open elevations, at ground and upper ground floor level. The building would continue in a horseshoe shape arranged around a southwest-facing first floor podium garden, with varying building heights along the perimeter.
34. A Townscape and Visual Impact Assessment was submitted and considers the visual impact of the completed development on townscape character areas within a 1km radius of the site, existing and potential views within a 2km radius, and some longer distance views from points where the development is likely to be visible.
35. A heritage statement has been included, in which heritage assets within the study area have been identified and their significance considered, including the locally listed Beis Yaakov Primary School to the north of the site, Buck Lane Conservation Area approx.. 270m to the southwest, Roe Green Conservation Area approx.. 600m to the west, Watling Estate Conservation Area approx.. 850m to the north, a number of locally listed parks and landscapes, and other listed and locally listed buildings within the wider townscape. Fourteen representative views were identified for further analysis, and these are discussed in the following paragraphs.
36. RV1: Edgware Road opposite junction to Grove Park. This view would be of ordinary value, experienced by road users and pedestrians in the area, and shows the relationship between the proposed development, the Beis Yaakov Primary School and the consented Palace Parade development. The building would be visible in the middle ground, replacing the existing car showroom. The increased scale of the built form would be a noticeable change in the view. However, the stepped heights of the building would mitigate the transition from the locally listed building, which would also be partly obscured by the more prominent positioning of the Park Parade building in the foreground.
37. RV2: Colindale Avenue at junction with Charcot Road. This view would be of ordinary value, and demonstrates the arrival to the area from Colindale Station. The roofline of the building would be glimpsed on the skyline behind existing medium rise buildings, the impact being similar to that of Zenith House.

38. RV3: Edgware Road at junction with Sheaveshill Avenue. This view is of ordinary value and shows the view for pedestrians and road users from the southeast, and the relationship between the development and the existing tall building, Zenith House. The building would be seen on the skyline in the middle ground, and would be of a similar scale and height as Zenith House, albeit slightly taller. The two buildings together would form a gateway signalling the increased activity of the Growth Area, and the Park Parade development would be seen as part of the cluster in the background.
39. RV4: Edgware Road at junction with Hay Lane. This view is of ordinary value and shows views in close proximity to the site and the relationship with the local street scene including Zenith House. The building would form a prominent new feature in the centre of the view, being the tallest building on the skyline and marking the beginning of the Growth Area together with Zenith House.
40. RV5: Grove Park at entrance to Village School. This is a view of ordinary value, of low rise residential area to the west. The upper floors of the building would be seen in the background of this view, but the main bulk of the building would be obscured by existing built form within the townscape. The building would be of a noticeably larger scale than existing buildings in this view, but would not appear dominant or overbearing.
41. RV6: Edgware Road opposite junction with Capitol Way. This view is of ordinary value, on the approach to the site from the north, and shows the relationship with the wider growth area. The building would be a prominent new feature in this view, but would be seen within context with the Park Parade development, which would appear far taller from this viewpoint.
42. RV7: Millfield Road within Watling Estate Conservation Area. This view shows the impact on a designated heritage asset within Barnet nearby. It is not one of the key views from the Conservation Area and is considered to be of medium value. The top of the building would be seen in the background, alongside the Park Parade building, with the existing Northern Quarter (TNQ) building visible nearby, and would not detract from the key characteristics of the view relating to the conservation area.
43. RV8: Silkstream Park to southern side of Montrose Avenue, close to Uitas Barnet Youth Zone building. This medium value view shows the views experienced by users of the public open space. The building would appear on the skyline next to Zenith House, integrating with existing features of the view without detracting from the quality of the open space in the foreground.
44. RV9: Northern edge of Roe Green Park, near Kingsbury Manor walled garden. This illustrates views experienced by users of the public open space, and the impact on the locally listed park and landscape. This view is of medium value. The building would be completely obscured by tree cover during summer. In winter limited glimpses of the roofline would be possible, but would have minimal impact on the character and appearance of the view.
45. RV10: Goldsmith Lane and junction with Roe Lane in Roe Green Conservation Area. To show medium value views from this designated heritage asset within Brent. Glimpses of the building, and of other tall buildings emerging in the area, would be possible on the skyline during winter, contrasting with the scale of the townscape in the foreground, but not to the extent that it detracts from the village character of the view.
46. RV11: Northern pavement of Court Way looking west. This is a low-rise residential area to the east, within Barnet, a view of ordinary value. The building would appear in the background on the skyline, and would be read in conjunction with Zenith House but would not appear dominant or overbearing.
47. RV12: The Ridgeway close to junction with Wakemans Hill Avenue. Low-rise residential area to the south, with elevated position allowing framed long distance views to open countryside. This is a view of ordinary value. Existing tall buildings including Zenith House are already visible in the background of this view, and the proposal would form part of a complementary group of tall buildings emerging within the Growth Area.
48. RV13: Weston Hendon Playing Fields. Medium value view from public open space within Metropolitan Open Land (MOL) and adjacent to Site of Metropolitan Importance for Nature Conservation. During summer the proposal would be obscured from view by mature tree cover within the open space, and whilst it would be visible without tree cover it would be seen within the context of the surrounding townscape and would not detract from the key qualities of the view.
49. RV14: Capital Ring long distance footpath in Fryent Country Park. A high value view from public open

space at elevated vantage point from a promoted public right of way. Fryent Country Park is a locally listed park and landscape, MOL and local nature reserve. The roof level would be barely discernible without tree cover, would have a marginal impact and would not detract from the key qualities of the view.

50. The assessment has demonstrated that there would be only minimal impacts on views of medium and high value within the surrounding area, including the conservation areas and other heritage assets identified. While the building would be more noticeable in some views of lower value, and would be a prominent feature in short-distance views, it would be seen within the context of other existing and emerging buildings within the Growth Area.
51. It is noted that concerns have been raised by Barnet Council regarding the height, bulk and impact on wider street scene. However, the representative views show that the impact would be similar to that of the existing Zenith House within Barnet's boundary, which is partly six storeys high but rises to 17 storeys on the corner junction. Furthermore, this section of Edgware Road (extending from Imperial House opposite the Capitol Way junction further northwest down to the McDonalds site opposite the application site) is part of the area designated in Barnet's Colindale Area Action Plan (2010), which envisaged the sites along this corridor being redeveloped for high-density residential-led schemes. Barnet's Tall Buildings Strategy (2019), which formed part of the supporting evidence of the Local Plan, highlights this and other examples of tall buildings within this area, including a proposed 29-storey building at Colindale Tube Station (which has outline consent under reference 19/0859/OUT) which, together with Zenith House, sits within a cluster that it defines as being appropriate for up to 6-14 storeys. Both the McDonalds site opposite the application site and the KFC site further north along Edgware Road are proposed site allocations in Barnet's emerging Local Plan, which identifies that these sites may be suitable for tall buildings.
52. The southeastern corner junction of Edgware Road and Windover Avenue is the least visually sensitive part of the site, characterised by the height and bulk of Zenith House, the wide road corridor and large scale non-residential uses, and is considered to be an appropriate location for the tallest element of the building, a 19-storey point block. From there the building would step down progressively to the seven-storey element on the northwestern elevation and to six stories on the southeastern elevation, in response to the lower heights of the Beis Yaakov Primary School and to optimise sunlight penetration to the south-facing parts of the site without compromising further development coming forward on the retail park site.
53. The front elevation would feature a staggered building line and the building would be broken down into elements of varying height and bulk, which would help to articulate the bulk and mass successfully and to prevent the appearance of an overly bulky building. The building would be based around a simple rectangular grid providing a vertical emphasis to further modulate the bulk of the building.

Impact on adjacent locally listed building

54. In terms of the impact on the Beis Yaakov Primary School, the GLA Stage 1 report considers that the taller elements do not appear overbearing on the asset in townscape views as the building height transitions down towards the boundary. The design of the proposal is considered to be a significant improvement on the existing car park, and more harmonious with the brick facades of the locally listed building. Consequently the GLA considered that there would be no harm to this non-designated heritage asset.
55. It is important to note that the nearest part of the School building is a recent addition that is not of any historic or architectural significance and that the consented scheme at Park Parade immediately to the north of the School would also feature a tall point block as part of a large and bulky building stepping forward of the School to align with the street frontage. As noted above, the School buildings would be largely obscured by this scheme in RV1. Brent's Heritage Officer considers that any harm caused to the significance of the heritage asset and its setting, as a result of the visual impact of the seven-storey height of the nearest element in relation to the School building as shown in RV1, would be very limited given the relative significance of this element of the School building.
56. The proposal would bring forward redevelopment of an allocated site that currently makes a negative contribution to the street scene, providing new housing including affordable housing in addition to new commercial workspace. These benefits are considered to outweigh the very limited harm to the non-designated heritage asset in this instance.

Layout and relationship with street

57. The front building line would be set back by approx 3m to 7.5m from the site boundary with the footway on Edgware Road, the building being staggered to follow the orientation of the road. This would reinforce the traditional building line seen to the south and north, contributing to a more engaging and stimulating public realm, but would also allow space for soft landscaping and tree planting along the site frontage. The ground floor would be set back a further 2m to 3m within a two-storey colonnade providing access to the commercial units and two residential cores. The corner would feature a chamfered design to provide a focal point for the building and enhanced legibility and sense of arrival for the residential entrance on this corner.
58. The colonnade would continue along Windover Avenue at 3m deep and gradually reducing in height to one storey as external ground levels rise, with an additional 3.5m set back from the footway to accommodate soft landscaping and tree planting. A dedicated entrance to the cycle store, a further commercial unit and a third residential entrance would activate this frontage on Windover Avenue. It is noted that Barnet Council have raised some concerns regarding the layout of the building. The residential core for the affordable dwellings (which would be this entrance off Windover Avenue), setting out that this goes against the principles of inclusive design, and having a detrimental impact upon the shared community around Edgware Road. In response, officers note that the need for separate core access for service charge and maintenance purposes is often required by Registered Providers. Whilst the residential entrance would be on a slightly smaller scale than the two on Edgware Road, this would be catering for fewer residents and is considered to be acceptable given that consistent architectural detailing and materiality would be maintained throughout. The fourth residential core would be accessed through the interior of the building from the first entrance on Edgware Road.
59. The rear elevation would also be activated by commercial units. Whilst this elevation would include areas of blank frontage to the bin store and substation, it is considered that the extent of this inactive frontage has been effectively minimised. This elevation would face onto the access road and surface car park serving the retail park, however this is expected to come forward for residential-led redevelopment as part of the proposed site allocation and its character is therefore subject to change.
60. The proposal would create footways of at least 2.5m in width around these three sides of the site, in addition to the colonnaded walkways. These would be within the site, and provided in accordance with the landscape plans, other than the Edgware Road frontage, which would remain part of the adopted highway. The existing vehicle accesses from Windover Avenue are within the site boundary and would be closed up and reinstated to footway in accordance with the landscape plans. These would not be classified as highway works, as the land is in private ownership.
61. The northeast elevation of the building would be set in by approx 7m from the site boundary with the Beis Yaakov Primary School. This area would be gated to allow maintenance access, and would be enhanced with soft landscaping and tree planting to allow a visual buffer. It could in future be opened up to provide a pedestrian connection to Edgware Road, which would potentially enhance permeability within the wider site allocation. The adopted and proposed site allocations do not require a pedestrian link in this location and whether it would be realisable and beneficial in planning terms would depend upon the form of development that comes forward on the retail park site, which is not known at present. It is recommended however that the option of providing a future pedestrian link should be secured through the s106 agreement.
62. Proposed landscaping would include low level planting including small areas of rain garden, ornamental planting and 12 street trees along the three open frontages. A range of shade-tolerant and sun-tolerant species have been proposed. This is considered to provide high quality public realm in accordance with the requirements of the proposed site allocation. Whilst the amount of landscaping provided on the southwest elevation would be comparatively limited, it is considered that this elevation would inevitably retain a more utilitarian character given its use for access and servicing, and its relationship with the adjoining car park. Further details of landscaping would be required by condition.

Architectural detailing and materiality

63. The building would be composed of a series of interlocking grid structures with recessed balconies and windows set in from the facades to create depth, with smaller areas having projecting balconies to provide further contrast and variation in the façade. The regular and well-proportioned fenestration arrangements would provide further vertical articulation and emphasis.
64. The southern elevation of the 19-storey element would have an angled façade sitting behind the main

grid. Officers have raised concerns about the visual impact of this design feature, which is considered to be sub-optimal in terms of design quality and impact on the street scene. However it is acknowledged that it would create greater depth in the façade whilst retaining the main architectural grid. Furthermore it has been demonstrated to provide the most effective solution in terms of mitigating uncomfortable wind conditions for pedestrians (this issue is discussed further under 'Wind microclimate'. In the light of these factors, it is considered that, whilst officers concerns on this point have not been resolved, these concerns are not sufficient to constitute a robust reason for refusal in this case.

65. The primary material would be a light buff brick with mixed tones picking out the buff and red brick colours of other buildings in the area. This would be complemented by artificial stone banding, brick detailing, dark bronze window frames and balconies, and decorative perforated metal panels.
66. The residential and commercial entrances would be expressed through fully glazed doorsets and screens set within brick facades to contribute to the active frontage, and floor heights would be modulated in response to the rise in ground levels along Windover Avenue.
67. Bay studies have been provided to demonstrate in more detail the design quality of key elements such as residential entrances, and it is considered that these details and the proposed materials palette would secure a high quality development, subject to further details of materials being required by condition.

Secure by Design

68. The proposals have been discussed with Secure by Design officers, who have recommended changes to the layout including providing a number of smaller cycle stores rather than one large cycle store. However it is considered that a single cycle store is the most practical solution given the changing ground levels and need to provide as much active frontage as possible, and allows for level access from a dedicated entrance on Windover Avenue, which would be lined to the corner residential entrance lobby by a glazed screen to improve security and visibility.
69. The colonnade footways are proposed to include surface treatments that discourage loitering, and further details of these would be secured under the landscaping condition.
70. Further advice has been provided by Secure by Design officers and it is considered that their recommendations could be addressed by minor internal alterations and management arrangements.

Fire safety

71. High standards of fire safety are required in a development of this size, and London Plan Policy D12 requires submission of a fire statement demonstrating how the proposal would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
72. A Fire Statement has been submitted, which is considered to comply with the requirements of this policy.

Conclusion

73. The overall height and massing of the building are considered to be appropriate within the surrounding area and in the Growth Area context. Whilst there would be some very limited harm to the setting of the adjacent locally listed building, it is considered that this harm would be outweighed by the public benefits of the scheme. The building and associated landscaping are considered to provide an attractive and engaging relationship with the street. Some concerns over the quality of design remain, however it is considered that these are not sufficient to constitute a robust reason for refusal.
74. Officers have had regard to the design principles set out in the adopted and now revoked site allocations, and consider that the proposal responds to these effectively. It would maximise the extent of active ground floor frontages around the site, establish continuity with traditional building lines, and provide tree planting and improved public realm. It would also allow for greater pedestrian permeability to be achieved if required in the redevelopment of the adjoining Retail Park site.

Relationship with neighbouring properties

Policy background

75. In accordance with Brent's Policy DMP1, any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. SPD1 states that development should ensure a good level of privacy inside buildings and within private outdoor space. Separation distances of 18m between directly facing habitable room windows is sought, except where the existing character of the area varies from this. A distance of 9m should be kept from gardens to habitable rooms and balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy, in addition to high quality design solutions that mitigate impacts and allow for efficient use of land. These standards are also applied to ensure that the development does not compromise the redevelopment of adjoining sites, and to individual buildings within large developments.
76. To ensure development has an appropriate relationship with existing properties, it is set out in SPD1 that new buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing private rear garden boundaries. It is also set out that to ensure good levels of daylight and sunlight, the use of the BRE's "Site Layout Planning for Daylight and Sunlight : a guide to good practice (BR209)" is supported. This guidance was updated on 8 June this year with the 2022 edition of this guidance. As this guidance was only been updated a month ago, the daylight and sunlight assessments submitted to support this application reflect the version of the guidance that was in place prior to June this year. While this version of the guidance has now been superseded, the information submitted does provide detailed technical information examining the impact of the proposal on surrounding properties.
77. The guidance set out that where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considered that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. When the 25 degree test is not met in relation to neighbouring properties, the BRE Guidelines recommended two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit.
78. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
79. However, the BRE guidance also recognised that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas. Where existing high density developments are potentially affected, the BRE suggests that impact of an imaginary new building of similar height and proportions as the existing building could be modelled in order to derive 'mirror image' target values for VSC. The NPPF recognises that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, and the resulting scheme would provide acceptable living standards.
80. In terms of daylight and sunlight requirements for schools, the BRE recommendations for external spaces are as for other external spaces. Schools are amongst the non-domestic buildings with a reasonable expectation of internal daylight that should be assessed alongside residential properties, although no specific targets are given.

Assessment of proposal – privacy and overlooking

81. It is noted that parents and staff at Beis Yaakov Primary School have raised concerns in relation to overlooking from habitable room windows, the roof terrace and deck access facing onto the school site, particularly due to the school being a primary school in the Orthodox Jewish tradition, and in relation to safeguarding responsibilities. However safeguarding is not a material planning consideration.
82. Notwithstanding these concerns, the plans indicate that habitable room windows on this elevation would be located at least 9m from the shared boundary with the School, which complies with Brent's requirements for privacy. Deck accesses to units on Levels 1 to 6 on this elevation would be at a closer distance of 7.5m, however these would only be in use intermittently by residents accessing this small number of units (three per floor). One set of side-facing balconies on units at the front of the building (Units 1.05, 2.05, 3.05, 4.05, 5.05 and 6.05) would be only 7m from the boundary, however these would

look onto the front of the school site, which is used for access and parking and so would not be sensitive to overlooking concerns. Similarly the edge of the seventh floor roof terrace would be approx 7.5m distant from the boundary with a 1.5m high parapet, but a 1.5m deep walkway along the edge of the terrace would be reserved for maintenance access, supplemented by a 1.2m deep planter incorporating seating facing away from the School premises, to provide an effective separation distance of over 9m. The potential for overlooking onto the School is addressed further in the Design & Access Statement, which provides a section drawing illustrating how the design would preclude any views onto the School premises.

83. In terms of the boundary with the Colindale Retail Park, the application site includes the existing footway on the southeastern side of the multi storey car park (Windover Avenue) and the three kerb buildouts that continue this footway on the southwestern side (facing into the Retail Park). The applicant's right of access sits immediately outside this on both sides. The applicant also has the freehold of the two small rectangles of land on the southwestern side between the site boundary and the right of access, although these are under lease to the Retail Park.
84. Concerns have been raised that the development would not maintain a 9m separation distance to the southwestern boundary. To address these concerns, amended plans were submitted, in which Unit 1.01 (and repeated on five floors above) have been reconfigured to remove a proposed habitable room window located on the boundary at the northwestern corner of the site. Two bedroom windows in Unit 1.19 (and repeated on four floors above) would be at a 5.3m distance from the smaller rectangle of land under lease to the Retail Park but would still be within 9m of the right of access. All other habitable room windows on this elevation would retain a 9m separation distance to the site boundary.
85. Counsel's advice on the adequacy of separation distances proposed is that this is a matter of planning judgement for the Council, and that the guidance set out in SPD1 provides sufficient flexibility for the Council to take a view that the distances are acceptable in this case. On a strict application of the guidance, the ten windows concerned would not have a 9m separation from the boundary and although there would be adequate separation from the centre of the right of access, this would involve measuring the distance across third party land. However, the likelihood of this third party land being redeveloped is considered to be negligible due to its position and its small size (approx 25sqm), and consequently the planning harm arising from its being sterilised in this way is considered to be negligible.
86. On the southeastern boundary (Windover Avenue) some windows would have a separation distance marginally below 9m from the boundary. However, it is reasonable to assume that Windover Avenue would be retained to provide access for this and other developments within the wider site allocation and that the applicant's right of access would prevent any development on it. Each development site would then be required to maintain a 9m distance to the centreline of Windover Avenue to ensure adequate privacy, which this proposal would exceed. On the northeastern boundary, the building would be at least 26m distant from Zenith House, which would provide adequate separation distances for both sets of residents.
87. On balance, and notwithstanding the concerns raised, it is considered that the proposal maintains adequate separation distances without prejudicing the redevelopment of the adjoining site, and is acceptable on this basis.

Assessment of proposal – impact on daylight

88. A Daylight Sunlight and Overshadowing Assessment was submitted in accordance with the 2011 BRE guidance in force at the time of the application. As discussed above, this guidance was superseded by new guidance issued by the BRE in June 2022.
89. The assessment presents an analysis of the impact on daylight to a total of 1,108 windows in neighbouring properties, of which 1,016 or 92% would not be materially affected as they would continue to achieve BRE target values for VSC. These have not been analysed further, and include all windows tested in the following buildings:
 - Sarena House (Blocks A, B, C and D): 89 windows tested
 - Trent House: 108 windows tested
 - Graham Apartments: 90 windows tested
 - Grove Park Flats: 22 windows tested
 - Woodcroft Apartments: 48 windows tested
 - Evelyn Avenue Houses: 170 windows tested

- Sheaveshill Avenue Houses: 132 windows tested
 - Orchard Gate Houses: 56 windows tested
 - Colin Park Road Houses: 72 windows tested
 - Zenith House Block C: 60 windows tested.
90. The applicants have additionally provided further clarification that the proposal complies with the BRE's initial 25 degree test in respect of all of the properties above. This test filters out those properties that do not require VSC or NSL testing.
91. A total of 92 windows in Zenith House Blocks A and B, and the Beis Yaakov Primary School, would be materially affected by the scheme. The impact on these 92 windows (as discussed below) has been classified as being of a low, medium or high magnitude of change (corresponding to VSC values of 0.60-0.79 times, 0.41-0.59 times and 0.40 or less times their former value). The Daylight Sunlight and Overshadowing Assessment was resubmitted during the course of the application, to provide results of a No Skyline test of the windows affected, an assessment of the Average Daylight Factor (ADF) of classrooms in the Beis Yaakov School, and the use of 'mirror image' VSC values to assess the impact on the Zenith House Blocks A and B. The results of these tests are discussed further below.
92. Zenith House Block A. Of the 180 windows tested for VSC, 128 would continue to receive adequate daylight in compliance with the traditional BRE target values, whilst the remaining 52 would fall short of these values. Based on the approved floorplans for Zenith House, however, only 38 of these windows serve habitable rooms. Of these 38 windows, 23 would experience a medium impact (VSC of 0.40-0.59 times their former value) and the remaining 15 would experience a low impact (0.60-0.79 times). These windows all experience relatively high existing VSC values for the urban context. VSC levels would fall to as low as 18%, compared to the 27% target.
93. Zenith House Block B. Of the 60 windows tested for VSC, 37 would continue to receive adequate daylight in compliance with the BRE criteria, whilst the remaining 23 (all serving habitable rooms) would fall short of the BRE target values. Of these 23 windows, seven would experience a medium impact (VSC of 0.40-0.59 times their former value) and the remaining 16 would experience a low impact (0.60-0.79 times). Again, existing VSC values are comparatively high for the urban context.
94. The results of the No Skyline test indicate that in the case of Zenith House Block A only 14 of 72 habitable rooms, would meet the BRE target for daylight distribution with a further 5 habitable rooms falling marginally short of the target, retaining 0.71 to 0.79 times their former value. The remaining rooms would see a more significant reduction with some rooms as low as 0.12 times their former value. This would be a significant impact on these rooms. In the case of Zenith House Block B, 22 of 44 habitable rooms would meet the BRE target for daylight distribution with a further 3 habitable rooms falling marginally short of the target, retaining 0.71 to 0.79 times their former value. The remaining rooms would see a more significant reduction with the highest reduction of up to 0.42 times their former value (medium impact).
95. These two blocks were further assessed in relation to an imaginary development on the application site presenting a 'mirror image' of Zenith House (in other words, a comparison to the level of impact that would be associated with the construction of a building of the same size and form opposite to the affected building). In this scenario, a number of windows on the lower floors would not meet the 27% target value for VSC, which is commonly experienced in high density urban environments. The VSC values for each assessed window were then compared with the VSC values for the same windows with the proposed development in place. The same windows would fail to meet the 27% target value for VSC, however no additional windows would fall below this target and none of the windows tested would retain less than 80% of their former value. This test demonstrates that the impact of the proposed development on Zenith House, whilst noticeable, would be no more significant than if a mirror image of Zenith House were to be built on the site and would therefore be commensurate with developments of this type.
96. Beis Yaakov Primary School. All 21 windows on the southeast façade were tested for VSC. This part of the building is a three-storey extension to the School built under reference 11/2730, with seven southeast-facing windows on each floor. From the approved plans, the rooms affected are a stairwell across three floors, two classrooms on each of the ground and first floors, and a large open-plan hall on the second floor. The classrooms all have three southeast-facing windows in addition to a window facing northeast or southwest, while the hall has six southeast-facing windows and windows on the other elevations.
97. The stairwell is not considered to require a high standard of natural daylight, and has been discounted for

the purposes of further analysis. Of the remaining 18 windows, all six on the ground floor, three on the first floor and two on the second floor have low existing VSC values below the BRE target (between 14.96 and 25.58), which reflects the constrained nature of dense urban environments and tends to accentuate the numerical impact of further losses. The retained VSC would vary from 11.10 to 19.01 for these windows, and from 20.53 to 27.36 for the seven windows with an existing VSC of at least 27%. In terms of percentage loss, three windows would comply with the BRE target in retaining at least 0.8 times their former value, whilst the values for the remaining windows would fall to between 0.66 and 0.79 times their former value.

98. The No Skyline test analyses the overall impact on daylight distribution in the five rooms affected (two classrooms on each of the ground and first floors, and a hall on the second floor). The hall would retain 0.86 times its former value of NSL, exceeding the BRE target and continuing to appear well lit. Three of the classrooms would retain 0.78 times their former value, and the remaining classroom would retain 0.72 times its former value. These rooms would fall only marginally short of the BRE target of retaining 0.8 times their former value of NSL, and it is considered that this would represent a good standard of daylight distribution within an urban setting.
99. In light of these results, the impact on the Average Daylight Factor (ADF) for the five rooms affected has also been analysed. The recommended value is 5% for a well daylit space and 2% for a partly daylit space. Where the room retains at least 0.8 times its former ADF, the impact of the proposed development is not considered to be materially significant. In this case, none of the five rooms achieves the 5% target at present although only the hall falls below 2%. This would still be the case if the proposed development is in place, and the loss of ADF would amount to between 0.77 and 0.91 times the former value, with only two rooms falling marginally below the 0.8 target.
100. All rooms would continue to have dual or triple aspect, and it is considered that this would mitigate the impact of the development to some extent. Furthermore, the generally poor existing level of light and outlook to these rooms reflects existing obstructions such as boundary treatments in close proximity, other tall and bulky developments nearby (including Zenith House and Sarena House), and raised platforms and ancillary buildings within the School site.
101. Whilst this is a Growth Area being promoted for high density urban development by both Brent and Barnet Councils, Zenith House is the only similarly tall existing building nearby. Consequently its residents have benefited from higher levels of daylight than would be expected in high density urban areas (as demonstrated by the relatively high existing VSC values). As a way of contextualising the impact of new buildings on existing high density developments, the BRE suggests that target values could be derived by modelling the impact on the existing building of a 'mirror image' proposed development, which can then be compared to the impact of the actual proposal. Although this approach has not been used in the applicant's assessment in this case, it reflects the rationale for allowing lower target values in high density areas where the expectation of daylight would normally be lower.
102. It is noted that objectors have drawn attention to an application refused by the London Borough of Islington in 2014 (ref P2014/1604/FUL) and subsequently dismissed on appeal (ref APP/V5570/A/14/2226349). This case involved increasing the height of an existing building and was refused by the LPA for the following reason: "The proposed development, by reason of the additional height in close proximity to the site boundary, would result in a detrimental material impact on the amenity of the neighbouring Dallington School by virtue of an unacceptable loss of daylight. As such the proposal would be contrary to policy DM2.1 of the Development Management Policies June 2013 together with the guidance within the Hat and Feathers Conservation Area Guidelines." The Planning Inspector concluded that the loss of daylight to the school would be harmful, supported the LPA decision and dismissed the appeal.
103. However, this appeal decision pre-dates the 2019 edition of the NPPF, which emphasises the need for land to be used effectively to meet the need for homes and other uses, and encourages a flexible approach to applying guidance relating to daylight and sunlight. This is a material consideration of significant weight to override concerns about the similarity of this application to the Islington case.
104. More recent appeal decisions reflect a more flexible approach for urban areas in line with that set out in the NPPF 2019. For example the Inspector in an appeal allowed in 2017 (ref APP/E5900/W/17/3171437), noted that VSC values in the mid-teens with a small proportion below 15% have been found acceptable in major developments across London.
105. Given the scale of the development and the number of windows potentially affected, it is considered

that the impacts on existing windows are commensurate with the high density urban context. Although a limited amount of harm to neighbouring amenity would be likely to occur, on balance it is considered that these would be outweighed by the planning benefits of achieving high density redevelopment in a Growth Area, and that the proposal is acceptable on this basis.

Assessment of proposal – sunlight and overshadowing impacts

106. Impacts on sunlight received by neighbouring windows facing within 90 degrees due south were also tested. All windows at Sarena House Blocks A, C and D would continue to comply with BRE guidelines, as would all windows in Trent House, Graham Apartments and Grove Park Flats. Three of the 21 southeast facing windows at Beis Yaakov Primary School would fall below the BRE target values (these are two ground floor and one first floor window serving classrooms). One window at Zenith House would fall below the target values. Overall, 432 of the 436 windows tested (99.1%), including all of those at Sarena House, the Graham Apartments and Grove Park, would achieve the target values, which is considered to be a very good level of compliance.
107. Amenity spaces to neighbouring properties and the Beis Yaakov School (both the ground floor playground and the rooftop area) were also tested, and all would continue to meet the BRE target values for sunlight.

Residential living standards

Policy background

108. Minimum space standards for new homes are set out in London Plan Policy D6, and this policy also provides qualitative criteria for assessing the quality of residential accommodation, including appropriate levels of light, outlook and privacy for residents. Policy D7 requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards. At that time of the submission of the planning application, the BRE's guidance sets out target values for internal daylighting, based on Average Daylight Factor (ADF) values of 2% for kitchens or open-plan kitchen and living spaces, 1.5% for living rooms and 1% for bedrooms. This has since been updated with a new assessment from June 2022. Further details are discussed below.
109. Brent's Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy proposed residents' needs. This will normally be expected to be 50sqm for family housing (homes with 3 or more bedrooms) at ground floor level and 20sqm for all other homes.
110. This requirement may be achieved even when the "normal expectation" of 20sqm or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluating whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
111. With regard to quality of the space, the supporting text to Policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst the Brent Design Guide SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
112. London Plan Policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth of 1.5 m is reconfirmed in this policy. Policy S4 requires play and recreation facilities to be provided based on the expected child yield.

Assessment of proposal

113. All 165 units would comply with or exceed minimum space standards, including internal storage requirements and 2.5m floor-to-ceiling heights. Layouts would be generally well-considered and efficient, with access to private balconies or terraces provided directly from living areas. There would be a 30m separation distance between the northwestern and southeastern wings to ensure privacy, and there would be no opportunities for overlooking between units. There are no single aspect north-facing units

proposed, and the perimeter block layout and use of deck access to some units would result in a high proportion (68%) of units being dual aspect.

114. Internal daylight levels have been modelled against the target values for ADF set out in the BRE's 2011 guidance. It is noted that this guidance was very recently (June 2022) superseded by new guidance that sets out a new method for assessing internal daylight in proposed developments as discussed above. The applicant's consultants consider that the level of compliance achieved by the proposal would not materially change under the new method, but the assessments have not been re-run given that the guidance has only just changed. The majority of bedrooms (70%) would meet the 1% target value but only 26% of the kitchen/living rooms would meet the 2% target value, with a further 40% meeting the lower 1.5% target value. Where rooms would fall short of the target values, this is mainly due to their location on the lower floors where daylight is typically restricted in urban situations, obstructions within the surrounding area such as tall buildings nearby, light being concentrated at the front of larger rooms, and the obstruction caused by balconies and deck access. These factors are common in high density urban locations and on balance the daylight levels are considered to be acceptable in this case.
115. A total of 23 units are indicated as being wheelchair accessible, which exceeds the 10% policy requirement. Delivery of an appropriate number of units to Building Regulations M4(3) standards would be secured by condition.
116. As the proposal does not contain any ground floor family sized homes, the 20sqm standard for amenity space would be applied to each of the 165 homes, giving a total requirement of 3,300sqm amenity space to fully comply with Policy BH13.
117. All units would have access to private balconies in accordance with London Plan standards, and these would be supplemented by communal spaces comprising the first floor podium garden and additional roof terraces. A schedule of amenity space provision per unit and the shortfalls against the policy standards has been provided. This demonstrates that there would be a shortfall of 1,702sqm based on the individual balcony space alone.
118. The shortfall would be mitigated by the provision of communal amenity spaces as follows:
- First floor podium garden of 690.1sqm
 - Roof terrace at Level 6 for Cores A and B, of 418.5sqm
 - Roof terrace at Level 7 for Cores C and D, of 610.8sqm
 - Roof terrace at Level 9 for Core B, of 174.8sqm
 - Roof terrace at Level 15 for Core B, of 89.3sqm.
119. The resultant shortfall has been assessed as follows:

	Core A (20 units)	Core B (91 units)	Core C (36 units)	Core D (18 units)
Cumulative shortfall against BH13	179.5 sqm	928.1 sqm	391.3 sqm	203.4 sqm
Pro-rata share of podium	83.6sqm	380.6sqm	150.6sqm	75.3sqm
Share of Level 6 terrace	75.4sqm	343sqm	N/A	N/A
Share of Level 7 terrace	N/A	N/A	407.2sqm	203.6sqm
Share of Level 9 terrace	N/A	174.8sqm	N/A	N/A

Share of Level 15 terrace	N/A	89.3sqm	N/A	N/A
Total share of communal space	159sqm	987.8sqm	557.8sqm	278.9sqm
Residual shortfall against BH13	20.4sqm	No shortfall	No shortfall	No shortfall

120. The above table demonstrates that only the 20 homes in Block A would be affected by a small residual shortfall against Policy BH13 standards, and it is considered that this would be acceptable in an urban context if mitigated by a financial contribution to enhancing local play provision in Grove Park. A contribution of £50,000 is sought and would be secured through the s106 agreement.

121. Based on the expected child yield, the development would generate a requirement of 683sqm of on-site playspace. The proposal includes 500sqm of playspace on the podium, with additional provision of 100sqm on the Level 6 terrace and 290sqm on the Level 7 terrace, totalling 690sqm to exceed the policy requirement.

122. Qualitatively, the communal spaces would include a variety of grassed and landscaped areas with bench seating and a range of play elements to suit all age groups, and would allow for passive surveillance. The podium would be available to all units regardless of tenure, and the roof terraces would provide more intimate spaces for specific cores. Further details would be secured through the landscaping condition.

Sustainability and Energy

Policy background

123. Major planning applications should be supported by a Sustainability Statement in accordance with Brent's Policy BSUI1, demonstrating at the design stage how sustainable design and construction measures will mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day.

124. All major developments are expected to achieve zero carbon standards including a minimum 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. Since the submission of the planning application, the Building Regulations have been updated with 2022 version. Nevertheless, given that the application was designed in accordance with 2013 regulations, it is considered appropriate to consider the carbon reductions in accordance with the Building Regulations 2013 Target Emission Rates. This policy also sets out more detailed requirements, including the 'Be Seen' requirement for energy monitoring and reporting and (for proposals referable to the Mayor) a Whole Life Cycle Carbon Assessment). Policy SI4 requires the energy strategy to include measures to reduce the potential for internal overheating and reliance on air conditioning systems.

125. Any shortfall in achieving the target emissions standards is to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £95, or through off-site measures to be agreed with the Council. Policy BSUI1 also requires any proposal for commercial floorspace of over 1,000sqm to demonstrate that it achieves BREEAM Excellent standards.

Assessment of proposal

126. The Energy Statement submitted demonstrates that regulated emissions would be reduced by 16% for the residential component and 46% for the non-residential component through 'Be Lean' energy efficiency measures, exceeding the minimum requirement in Policy SI2. No district heat networks are available in the area to provide further 'Be Clean' reductions, although the Statement proposes to allow for connection to any suitable network in the future and this would be secured by condition.

127. An air source heat pump and photovoltaic panels are proposed, delivering further reductions through 'Be Green' renewable energy sources, delivering an additional 72% (residential) and 31%

(non-residential), exceeding the policy target. The total reductions achieved on-site would be 88% for residential and 76% for non-residential, significantly exceeding the overall policy target and resulting in estimated financial contributions of £32,059 (residential) and £10,051 (non-residential).

128. The energy statement also includes an overheating assessment, and a water efficiency calculator confirming that estimated water use would be limited to 105litres per person per day. A sustainability statement has been submitted, outlining additional measures such as using responsibly sourced materials, prefabricated building elements and recycled products where practical during construction.
129. A BREEAM pre-assessment report has been submitted, and this sets out proposed strategies to achieve a BREEAM Excellent rating for the commercial floorspace. Evidence of this rating having been achieved on completion of the building would be secured as a condition.
130. Following comments received from the GLA and Brent's Sustainability and Energy officer, further information was provided on various aspects of the energy strategy, including energy costs and overheating requirements, the potential for a district heating connection and future-proofing measures, optimising the scope for PV panels, the efficiency of the proposed heat pumps, and the BREEAM Assessment. Issues still to be resolved with the GLA are of a minor technical nature, and would be addressed prior to the stage 2 referral.
131. A whole life-cycle carbon assessment and circular economy statement would be secured through pre-commencement conditions.
132. Updated energy assessments and financial contributions would be secured at the detailed design and post-completion stages through the s106 agreement, together with a commitment to energy performance monitoring and recording.
133. Subject to the conditions and obligations above, it is considered that the development would perform well against the relevant policy targets, achieving a high standard of sustainability.

Environmental Health Considerations

Air quality

134. Like many areas in Brent, the site is within an air quality management area, and London Plan Policy S11 requires major developments to be supported by an air quality assessment and to demonstrate 'air quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.
135. The applicant has submitted an air quality assessment, which includes an air quality neutral assessment. This concluded that future occupiers of the development would not be exposed to harmful levels of pollutant concentrations, and therefore no mitigation measures were required. In relation to air quality neutral, the report concludes that building emissions from the development would be below the Building Emissions Benchmark. However, the transport emissions from the site would not be air quality neutral. Although the overall transport emissions would reduce, further mitigation measures are required to ensure that the development would be air quality neutral. Such measures would include electric vehicle charging points in line with London Plan standards, cycle parking within the development and a travel plan to secure more sustainable modes of transport. Therefore a condition is recommended, to secure evidence that the above mitigation measures have been achieved, and that the scheme is air quality neutral.

Noise

136. The application is accompanied by a noise assessment. Environmental health officers have commented that, although the methodology used in the assessment is satisfactory, the use of data from a survey north of the development is not representative of the area as noise from the use of the retail park; noise from traffic, use of the car park and operation of plant and machinery have not been taken into account.
137. Notwithstanding these concerns, Environmental health officers consider that the development would be acceptable subject to suitable noise mitigation measures being provided. Conditions are required, to demonstrate that acceptable internal noise levels have been achieved, to restrict noise from plant and machinery and to ensure sufficient noise insulation between the commercial and residential uses.

Lighting

138. A lighting assessment has been submitted, and Environmental Health officers consider this to be acceptable. However, the assessment relies upon the installation of specific lighting to ensure that light spillage does not cause an issue to nearby residential properties, and a condition evidencing this is recommended.

Contaminated land

139. The area surrounding the site has been identified as previously contaminated and therefore a full assessment of land contamination is required. The Phase 1 geo-environmental assessment submitted concludes that a full site investigation is required, and this would be secured by conditions.

Construction process

140. As the construction process has the potential to contribute to background air pollution levels and cause nuisance to neighbours, a Construction Method Statement would be required as a pre-commencement condition, to which the applicant has agreed, together with controls on emissions levels from non-road mobile machinery.

Impacts on microclimate and reception of TV and radio services

141. London Plan Policies D3, D8 and D9 emphasise the importance of the local microclimate created by new development involving tall buildings, in particular the need to ensure comfortable wind conditions. In accordance with these policies, a Wind Microclimate Assessment is required. A survey of the predicted impacts of the development on the TV and radio reception of neighbouring properties is also required, due to the height and scale of the development, including FM radio and digital terrestrial and satellite television, together with any mitigation measures recommended.

142. The Wind Microclimate Assessment submitted uses the Lawson Comfort Criteria, which is the industry standard defining how an average pedestrian would react to different wind levels. Wind speeds are categorised as being suitable for either sitting, standing, strolling or walking, or as uncomfortable for most activities. Developments should aim to provide at least strolling conditions along pedestrian thoroughfares, standing conditions at main entrances, drop off areas, taxi ranks and bus stops, sitting conditions at outdoor seating areas in the summer, and standing conditions in large public amenity spaces in the summer, with sitting conditions at designated seating locations. Finally, sitting or standing conditions should be achieved in summer on balconies and private amenity spaces – providing sitting conditions in summer would generally ensure that standing conditions could be maintained in winter. Strong wind thresholds requiring mitigation measures are also defined.

143. The Assessment identifies that prevailing winds are from the south-west throughout the year with a secondary peak from the north-east in the spring season. Some locations within the development would require landscaping and additional wind mitigation measures to achieve the wind levels required, and the impact of the proposed measures has been modelled through wind tunnel testing to ensure that they result in acceptable conditions

144. A desk-based television interference study was submitted. This recommends a full baseline survey and post-construction reception measurement, together with mitigation measures if any significant impacts occur. These would be secured under the s106 agreement.

Trees, biodiversity and urban greening

145. The potential effect of development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of planning applications, and Brent's Policy BG12 requires major developments to make provision for the planting and retention of trees on site. London Plan Policy G6 and Brent's Policy BG11 encourage development proposals to secure a net gain in biodiversity.

146. London Plan Policy G5 expects major developments to incorporate urban greening measures as a fundamental element of the design and recommends a target Urban Greening Factor of 0.4 for predominantly residential developments.

147. An arboricultural survey has been submitted in support of the application. This identifies three trees within the site. Two are located near the boundary with Beis Yaakov Primary School, are self sown and classified as of low quality (Category C). These are recommended for removal due to their poor location. The other tree is a Tree of Heaven located on the corner of the site with Windover Avenue and is classified as Category B. This tree was originally proposed to be retained and incorporated into the landscaping scheme. However, the Council's Tree Officer considers that this tree could become structurally unsound due to its triple stemmed nature and that a suitable replacement tree should be considered.
148. The existing site also contains a small grassed area and low level shrubs along the road frontage. These would be cleared and new landscaping would be introduced, including nine trees planted along the boundary with Beis Yaakov Primary School and 15 trees planted around the three open boundaries of the site as part of the ground floor public realm (including a replacement for the Tree of Heaven). These would be supplemented by hedging and rain garden planting along the road frontages, shade-tolerant ornamental planting along the boundary with the School. The roof terraces would include grassed areas, ten small ornamental trees, climbing plants and low level ornamental planting including shade-tolerant and sun-tolerant species.
149. The number of trees planted would represent a significant increase in comparison to the existing site. Tree Officer has agreed to the proposed species and further details would be secured under the landscaping condition.
150. The ecological appraisal submitted concludes that the existing site has low ecological value with limited areas of green habitats, dominated by non-native species, with a lack of connectivity to other habitats and a lack of opportunities for protected or notable species. Biodiversity enhancements could include provision of invertebrate, bat and bird boxes, and further details of these would be secured as part of the landscaping condition.
151. The proposal would achieve an urban greening factor of 0.2775 and, whilst this is below the 0.4 target score, this represents an improvement over the existing situation and is the proposal is acceptable on balance having regard to the benefits of the scheme.

Flood risk and drainage

152. The NPPF provides clear guidelines for ensuring that new development is not unacceptably impacted by the risk of flooding, and provides the basis for the relevant development plan policies. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Paragraph 167 requires a site-specific flood risk assessment for major developments in areas at risk of flooding, and paragraph 169 require major developments to incorporate sustainable drainage systems. Annex 3 provides a classification of types of development in terms of their vulnerability to flood risk.
153. Brent Policy BSUI4 requires sustainable drainage measures, and a drainage strategy is required, in accordance with the sustainable drainage hierarchy set out in London Plan Policy SI13.
154. The site is in Flood Zone 1 and at a low risk of flooding. A flood risk assessment (FRA) has been submitted, which considers the risk of flooding from a range of sources. When the mitigation measures are considered the low risk of flooding on the site would be maintained. The approach to flood risk management accords with London Plan Policy SI12.
155. The surface water drainage statement addresses the London Plan drainage hierarchy. The use of infiltration is ruled out due to ground conditions, whilst discharge to a water course is not feasible due to distances to the nearest river or stream. The use of green roofs for surface water attenuation is proposed, with 50 % of the buildings footprint to be permeable. At ground level, channel drains and gullies are proposed. The use of a tank for flood attenuation was considered but is not proposed as the applicant advises that there is insufficient space in the basement to accommodate this. This approach generally satisfies the requirements of London Plan Policy SI13.

156. Surface water run-off rates (which would discharge to the sewers) would be significantly below existing levels. The SUDs strategy setting out that run-off from the 1:1 year events would be approximately 50 % of current levels while the scheme would achieve approximately 39 % of current surface water discharge levels for 1:100 year events. However, discharge rates would be well above green-field rates (e.g. 30.79 l/s for a 1:100 year event compared to a greenfield run-off rate of 7.3 l/s). Nevertheless, the proposal would represent a significant improvement over current rates and is considered to be acceptable on this basis.
157. A detailed drainage strategy and layout plan would be required as a condition prior to construction work starting, and this would be expected to also incorporate blue roofs and rainwater harvesting if practical.

Transportation considerations

Policy background

158. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and maximum parking allowances for residential development are set out in Policy T6.1. Brent's Policy BT2 sets out parking allowances to align with those of the London Plan.
159. Cycle parking spaces must be provided in compliance with London Plan Policy T5 in a secure weatherproof location and in accordance with design guidance set out in the London Cycling Design Standards. Bin storage should allow for collection within a 20m carrying distance (or 10m for larger Eurobins), and more detailed guidance on bin storage requirements is given in the Waste Planning Guide.
160. London Plan Policy T2 expects new development proposals to follow a Healthy Streets Approach and include an Active Travel Zone (ATZ) assessment, and Policy T4 requires Transport Assessments to be submitted.

Existing situation

161. The site fronts Edgware Road, a London Distributor road and part of the Strategic Road Network. It has a right of access via Windover Avenue, a privately road forming a signal controlled junction with Edgware Road and Colindeep Lane (opposite), to the northwestern corner of the site, where the multi-storey car park is accessed and egressed. The site is also accessed via a 7.4m wide vehicle crossover from Edgware Road and a separate crossover off Windover Avenue, both leading to a hard surfaced area in front of the existing building, and a third dropped kerb provides vehicle access into the existing building from Windover Avenue.
162. Colindale Retail Park is also served by a surface level car park accessed from Windover Avenue, although the number of spaces has not been specified in the application.
163. The pedestrian environment within the existing retail park is poor and the footway along the southern side of the building is only 1.3m wide approx, however there are two zebra crossings on Windover Avenue providing pedestrian priority between the site and other areas of the retail park. The signalised junction only has a pedestrian phase across Edgware Road to the south and across Colindeep Lane, with neither Windover Avenue nor Edgware Road to the north having a formal pedestrian crossing.
164. The PTAL rating is 3 (moderate) and on the boundary of a PTAL 4 (good).

Parking provision

165. The Colindale Retail Park consists of six retail units, which have a maximum parking allowance of 158 spaces under London Plan Policy T6.3 and Brent's Local Plan. The existing surface level car park provides approx 150 spaces, and the retention of the multi-storey car park and its use for additional retail parking would result in excessive parking provision.
166. The Transport Assessment suggests that much of the multi-storey car park is used by the car showroom within the building, whilst local office workers have been assumed to use the lower two floors. A detailed survey of car park use was not undertaken at the time of the application, as the figures would have been affected by the Covid-19 restrictions in place at the time. However a survey was carried out by the applicants during the daytime on 21 September 2021. This found that parking demand remained relatively low and comparable to the same time the previous year when Covid-19 restrictions were in

place, which is suggested to be due to the continued increase in online shopping and working from home.

167. As overspill parking would in any case be controlled through existing parking restrictions and the introduction of additional Controlled Parking Zone measures, transport officers have no objection to the loss of the multi-storey car park.
168. The site has moderate access to public transport services, and London Plan Policy T6.1 and Brent's Policy BT1 would allow up to 134 spaces for the residential use, to include disabled parking bays to serve at least 3% of the units (five spaces), together with provision to allow this to be increased to 10% if required in the future.
169. The proposal would provide 59 car parking spaces in a split level basement, of which 20% would have active electric charging points with the remainder having passive provision. This would include seven disabled bays (two for the use of the commercial units and five for the residential units), the remaining bays all being for residential use and the commercial element being otherwise car-free.
170. This level of parking equates to 0.35 spaces per residential unit. This would be low in terms of Census data from 2011, which suggest car ownership at 0.675 cars per flat, however car ownership is assumed to have continued to fall since 2011. The proposal complies with the maximum parking allowances and reflects the aim of London Plan Policy T6 to provide the minimum necessary parking.
171. To further manage parking demand in this Growth Area, a financial contribution of £80,000 would be sought towards the introduction of a Controlled Parking Zone in the area. This would then allow on-street parking permits for future residents to be withheld through a 'car-free' agreement. A further contribution of £30,000 to Transport for London would be secured to contribute towards upgrading Colindale Underground Station.
172. Transport officers have suggested that a car club space could be provided within the development itself. However, given that parking would be provided within an enclosed basement space, the car club car would only be available to residents and not to other car club members within the local area. It is considered that providing a car club space within the site is unlikely to be practical on this basis. However, three years' free membership of a car club operating locally for residents would be secured through the s106 agreement.

Cycle parking

173. A residential cycle store would be provided at ground floor level, with a dedicated entrance from Windover Avenue via a 1:12 gradient ramped corridor of 2m width. This would comprise 294 cycle parking spaces including 5% accessible spaces, to comply with London Plan standards. Each commercial unit would be provided with an internal cycle store, and 20 short-stay spaces would be provided via Sheffield stands within the public realm.
174. The cycle parking has been accepted by Brent's Transport officers and Transport of London, subject to further details being secured by condition.

Travel Plan

175. A Residential Travel Plan has been submitted, and proposes an increased modal share of 5% for sustainable travel modes over five years, with a corresponding 5% reduction in car travel to 35%. Measures such as a travel plan notice board and welcome packs for new residents would be provided.
176. Brent's Transport officers have requested improved targets to reflect the London Mayor's target of reducing car journeys to no more than 20% of total trips by 2041. Other initiatives such as providing car club membership for residents would be required to encourage use of other modes. These would need to be included in a revised Travel Plan secured under the s106 agreement. A Travel Plan for the commercial units would also be secured, particularly for any community use proposals.

Active Travel and pedestrian permeability

177. The walking route from the site to Colindale Station was assessed as part of the applicant's Active Travel Zone Assessment, and it was found that there was damage to the paving slabs along Colindale Avenue (situated within LB Barnet), but that the route had wide footways to allow two-way passing of

pedestrians, wheelchair and pushchair users. Although there is no dedicated cycle lane, the assessment notes that cyclists were observed using Edgware Road. The signalised crossing at the Edgware Road/Colindale Avenue junction lacks tactile paving for the visually impaired and would benefit from general improvements through the provision of dropped kerbs and tactile paving. Other walking routes to Asda and the Colindale Primary School were found to have a good pedestrian environment.

178. In conclusion, the assessment found that improvements to pedestrian crossings could be made at some points on Edgware Road, Colindale Avenue, Colindeep Lane and Grove Park. However, of these only Grove Park and part of Edgware Road are within the Brent boundary. However, neither Transport for London nor Brent's Transport officers have identified any road improvement works required as a result of this application that would need to be secured through the s106 agreement. CIL funding would be secured from the development, and this source of funding could contribute towards the Council's wider aspirations to improve the A5 corridor, however your Transport officers consider that the development does not raise concerns to warrant any highway works or financial contributions in this respect.

179. The site allocation also seeks increased pedestrian permeability through the wider site, although no specific requirements are set out. The redevelopment of Sarena House approved under reference 14/2930 secured a potential future vehicle and emergency access connection into the Colindale Retail Park site between Blocks C and D of the Sarena House development (now known as Trent House and Arradene Apartments) and pedestrian link between Blocks D and E (Arradene Apartments and Gladstone House).

180. The proposal would not prevent either of these connections coming forward in the future. A possible future pedestrian connection from the northwestern corner of the site to Edgware Road, along the boundary with the Beis Yaakov School, has been provided for in the proposal. As currently proposed this area would be undeveloped, gated and provided with soft landscaping to provide a 7.5m approx buffer onto the School. Officers consider that this connection would not be essential to improving the permeability of the wider site allocation. However the provision of a permissive public right of way if required in future would be secured through the s106 agreement.

Transport Assessment and trip generation

181. In terms of trip generation, the existing car showroom generates over 60 vehicular movements during the AM and PM peak periods. The proposed development would generate an estimated 44 vehicular trips in the AM peak and 34 during the PM peak, which is significantly less than the existing situation. As such, Transport officers consider that the reduced number of vehicular trips from the development could be accommodated on the surrounding highway network.

182. The proposed development would also increase demand for other modes of travel, such as public transport, walking and cycling. The Transport Assessment demonstrates that the development would result in only one additional passenger per peak hour for each bus or train, whilst the Healthy Streets Audit demonstrated that the walking and cycling environment along Edgware Road would be satisfactory.

183. Transport for London has developed a major upgrade scheme for Colindale Station, to provide capacity enhancements and step free access to cater for growth in the Colindale area. It is estimated that the development would generate 53 peak hour trips at Colindale Station (1.5% of the uplift of 3,540 trips forecast by 2041). As noted above, a financial contribution of £30,000 has been requested by TfL as a proportionate amount, and this would be secured through the s106 agreement.

Delivery and Servicing Plan

184. The Draft Delivery and Servicing Plan submitted shows two loading bays at the rear of the site, one of which could accommodate two x 7.5t box vans parked side by side (giving a capacity of three vehicles parked for deliveries at one time) and both being able to accommodate a 10m refuse vehicle. Tracking diagrams have been provided to show that an appropriate range of vehicles could access the loading bays and leave the site in forward gear. This arrangement would allow servicing to occur at the rear of the site for both the commercial units and the residential units.

185. TRICS data were analysed and these demonstrate a predicted delivery of 17-18 deliveries for the residential units per day. This figure may also be higher in the current pandemic environment. The commercial floorspace is predicted to generate 2-3 deliveries per day if occupied by business tenants, with retail units generating a demand of up to 16 deliveries a day, whereas community uses are expected to generate only 1-2 deliveries a day. If the commercial units are let for a mixture of uses, each use

would generate a proportion of the expected deliveries, and the worst case scenario would be the 16 deliveries for full occupation by retail tenants.

186. With a total of 34 deliveries a day, it is considered that the two loading bays would be able to accommodate the servicing demand and that any overspill would be contained within the site and would not obstruct the public highway.
187. However, the tracking diagrams demonstrate that vehicle manoeuvres would need to go beyond the extent of the applicant's right of access across Windover Avenue in order to enter and exit in a forward gear. This is a significant material consideration in this case, as the vehicle manoeuvres required could compromise the redevelopment of the Colindale Retail Park and an objection from the owners of that site has been received on this basis.
188. Following discussions with officers, amended plans have been received, in which the proposed two bin stores would be combined into a single store within 10m of the central loading bay to allow for convenient collection of bins. Additional tracking diagrams have been provided to demonstrate that refuse vehicles could reverse into the central loading bay and drive out in a forward gear, allowing bin collection to be undertaken within the applicant's red line, and that all vehicle movements required to access either loading bay would take place within the extent of the rights of access.
189. The bin store would accommodate 33 x 1,100L Eurobins and 16 x 240L wheelie bins, which would comply with the Council's requirements for recycling, residual waste and food waste for a development of this size.
190. Transport officers have confirmed that waste collection vehicles would be able to service the site in a satisfactory manner within the extent of the rights of way. Transport for London have also reviewed the servicing arrangements and have requested a Stage 1 Road Safety Audit to demonstrate that these could occur safely, as Windover Avenue would also be used by vehicles and pedestrians accessing the surface level car park. This would be secured by condition, together with an updated Delivery and Servicing Plan.
191. It is noted that the owners of Colindale Retail Park have provided a transport note including tracking diagrams showing large vehicles accessing the basement car park. However there would be no requirement for large vehicles to access the basement car park, which provides access to car parking not loading bays for servicing.

Construction Logistic Plan

192. A Construction Logistics Plan has been prepared in line with TfL's Construction Logistics Plan guidance. This states that no temporary traffic management or road closures would be required as the existing private demise of the property would be used and Windover Avenue is a private estate road. The estate would not be blocked and therefore the surrounding sites would be still be operational.
193. A banksman would be on site at all times and no on-site parking is proposed for construction operatives. Estimated vehicular trip movements would be provided once a contractor is appointed. Road sweeping would be employed to keep the highway clear of mud and debris, and a banksman would check the cleanliness of vehicles before they leave the site. Wheel washing facilities have not been specified and provisions should be made for a local drainage system within the site to ensure that the settling of silt is not discharged onto the public highway. As the site is located next to a school, consideration to this would be given, and Transport officers recommend that consideration is particularly given to avoiding deliveries during school drop off and pick up times.
194. Vehicular tracking is provided within the appendix and shows several different vehicles with the largest being 8.3m long. The tracking shows that the vehicles could access the loading bays within the rear of the site and leave in forward gear. It is noted that these include vehicle manoeuvres outside of the extent of the rights of access, however it is considered that alternative access for construction vehicles could be provided within the site via the existing access in front of the existing building, and further details have been requested for inclusion in the supplementary agenda.

Conclusion

195. Subject to conditions and planning obligations to secure a contribution to Controlled Parking Zone implementation, submission of an improved residential Travel Plan including car club membership and a

commercial Travel Plan, parking permit restrictions and the reinstatement of redundant crossovers to footway at the developer's expense, Transport officers have no objection to the proposal.

Equalities

196. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
197. Concerns have been raised that the development would increase opportunities for anti-Semitic forms of hate crime directed towards staff and students of the Beis Yaakov Primary School. The applicant has engaged with the Community Security Trust (CST), a registered charity whose aims are to protect the Jewish community, prior to submitting the application. The CST advised ensuring that the development does not provide direct views into the School premises and that a physical distance is retained to prevent items being dropped onto the premises, together with ensuring that contractors working on site maintain amicable relations and take measures to prevent unauthorised access to the premises.
198. These issues have been addressed in the relevant sections of this report. Further advice has been sought from the Metropolitan Police Designing Out Crime officers, who have a wider brief to advise on preventing crime and the fear of crime arising as a result of the design of new developments, and no specific concerns were raised on this point.

Conclusion

199. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.
200. Whilst the level of affordable housing provision is below the threshold required for the fast-track approach, it has been demonstrated to be the maximum reasonable amount that can be viably delivered in this case. There is some, albeit limited harm that would be caused to the setting of the adjacent locally listed building. The impact on light and outlook to some classrooms in the Beis Yaakov Primary School and some residential units in Zenith House would be noticeable but commensurate with development within the high density urban environment expected within this Growth Area. Overall, the harm associated with the development would be outweighed in this case by the benefits of redeveloping the site in accordance with the adopted and proposed site allocations, including the provision of a significant number of new homes and public realm improvements.



Application No: 21/1124

To: Mr Cansfield
Pegasus Group
10 Albemarle Street
London
W1S 4HH

I refer to your application dated **26/03/2021** proposing the following:

Demolition of showroom and multi-storey carpark building and erection of a ground plus up to 19 storey building to provide residential units (Use Class C3) with commercial use (Use Class E) at ground floors, together with associated parking at basement and landscaping

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

at **363 Edgware Road, London, NW9 6AF**

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: 04/07/2022

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 2021
London Plan 2021
Brent Local Plan 2019-2041

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

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

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

1375-JSA-XX-XX-DR-A-01001 P4
1375-JSA-XX-XX-DR-A-01002 P3
1375-JSA-XX-XX-DR-A-01003 P8
1375-JSA-XX-XX-DR-A-01004 P7
1375-JSA-XX-XX-DR-A-01010 P5
1375-JSA-XX-XX-DR-A-01011 P4
1375-JSA-XX-00-DR-A-01012 P2
1375-JSA-XX-XX-DR-A-01014 P3
1375-JSA-XX-XX-DR-A-01015 P3
1375-JSA-XX-XX-DR-A-01016 P4
1375-JSA-XX-XX-DR-A-01017 P4
1375-JSA-XX-XX-DR-A-01018 P4
1375-JSA-XX-XX-DR-A-01019 P4
1375-JSA-XX-00-DR-A-02001 P1
1375-JSA-XX-00-DR-A-02009 P1
1375-JSA-XX-00-DR-A-02010 P1
1375-JSA-XX-XX-DR-A-02202 P10
1375-JSA-XX-XX-DR-A-02203 P12
1375-JSA-XX-XX-DR-A-02204 P13
1375-JSA-XX-XX-DR-A-02205 P12
1375-JSA-XX-XX-DR-A-02206 P10
1375-JSA-XX-XX-DR-A-02207 P12
1375-JSA-XX-XX-DR-A-02208 P11
1375-JSA-XX-XX-DR-A-02209 P11
1375-JSA-XX-XX-DR-A-02210 P10
1375-JSA-XX-XX-DR-A-02211 P10
1375-JSA-XX-XX-DR-A-02212 P10
1375-JSA-XX-XX-DR-A-02213 P10
1375-JSA-XX-XX-DR-A-02214 P10
1375-JSA-XX-XX-DR-A-02215 P1
1375-JSA-XX-XX-DR-A-03011 P6
1375-JSA-XX-XX-DR-A-03012 P7
1375-JSA-XX-XX-DR-A-03013 P6
1375-JSA-XX-XX-DR-A-03014 P6
1375-JSA-XX-XX-DR-A-04001 P10
1375-JSA-XX-XX-DR-A-04002 P10
1375-JSA-XX-XX-DR-A-04003 P11
1375-JSA-XX-XX-DR-A-04004 P12
1375-JSA-XX-XX-DR-A-04005 P5

1375-JSA-XX-XX-DR-A-04006 P5
1375-JSA-XX-XX-DR-A-04007 P2
1375-JSA-XX-XX-DR-A-04008 P1
1375-JSA-XX-XX-DR-A-04009 P1
1375-JSA-XX-XX-DR-A-04050-P1
1375-JSA-XX-XX-DR-A-04051-P1
5275-OOB-XX-XX-RP-L-0001 Rev P12
5275- OOB- ZZ- ZZ- DR- L- 0002 Rev P09
5275- OOB- ZZ- ZZ- DR- L- 0020 Rev P08
5275- OOB- ZZ- ZZ- DR- L- 0030 Rev P06
5275- OOB- ZZ- 00- DR- L- 0060 Rev P02

Air Quality Assessment (BWB, ref LNH2065 Rev 3.0, February 2021)
BREEAM 2018 Pre-Assessment Report (BWB, ref CRP-BWB-00-XX-RP-ME-0001 / LNH2065 rev P04, 4 June 2021)
Lighting Impact Assessment (BWB, ref CRP-BWB-ZZ-XX-RP-YE-0201_LIA Rev P03, March 2021)

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

- 3 The development hereby approved shall contain 165 residential units and 1,262sqm of commercial floorspace as detailed in the drawings hereby approved, unless otherwise agreed in the writing with the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the commercial floorspace shall be used only for purposes in Use Class E, unless otherwise agreed in writing by the Local Planning Authority. The commercial floorspace shall include not less than 460sqm of floorspace in Use Class E(g) and not more than of 499sqm of floorspace in Use Class E(a).

Reason: To allow the impact on nearby town centres of providing a larger retail unit in this location to be assessed in accordance with Brent Policy BE4.

- 4 The car parking spaces, cycle storage and bin storage facilities as shown on the approved plans or as otherwise approved in writing by the local planning authority shall be installed prior to occupation of the development and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

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

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

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan Policy S11.

- 7 A communal television aerial and satellite dish system shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. No

further television aerial or satellite dishes shall be erected on the premises.

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

- 8 The podium external amenity space shall be provided for the use of all residents for the lifetime of the development.

Reason: To ensure a tenure-blind development providing adequate external amenity space for all residents.

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

All agreed actions shall be carried out in full.

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

Reason for pre-commencement condition: Construction nuisance can occur at any time during the construction process, and adequate controls need to be in place prior to works starting on site.

- 10 Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall include:

- i. Forecast construction trip generation and mitigation proposed;
- ii. Site access arrangements and booking systems;
- iii. Construction phasing;
- iv. Vehicular routes to the site;
- v. Details of how construction would be co-ordinated with the construction operations of other developments in the area and scope for local consolidation to reduce the number of road trips generated, so as to minimise the cumulative impacts on local residents and businesses.

The development shall thereafter operate in accordance with the approved Construction Logistics Plan.

Reason: To ensure the development is constructed in an acceptable manner.

Reason for pre-commencement condition The condition relates to details of construction, which need to be known before commencement of that construction.

- 11 (a) Prior to the commencement of the development, a Whole Life-Cycle Carbon (WLC) Assessment shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the GLA. The assessment should use the detailed planning stage tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance.

(b) Prior to first occupation or use of the building the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority, prior to occupation of the building.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

Reason for pre-commencement condition: Each stage of the construction process gives rise to carbon dioxide emissions and an assessment needs to be provided at the appropriate time to enable an understanding of these.

- 12 (a) No development shall take place until a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance has been submitted to and approved in writing by the Local Planning Authority.

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

(b) Prior to the occupation of the development, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Reason for pre-commencement condition: All stages of the construction process create waste arisings, and appropriate controls need to be in place before work commences.

- 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.

- A report shall be submitted to and approved in writing by 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. The report shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

- 14 Prior to commencement of development (excluding site preparation and demolition), a detailed drainage strategy including drainage layout plan shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the approved Sustainable Drainage Statement but shall also include proposals for rainwater harvesting and blue roofs, or shall demonstrate that these features cannot be achieved within the approved design.

The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure adequate sustainable drainage of the site, in accordance with London Plan Policy S113 and Brent Local Plan Policy BSUI4.

- 15 Prior to commencement of development (excluding site preparation and demolition), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with the approved details.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI3 and Brent's Local Plan Policy BSUI1.

- 16 Prior to commencement of development (excluding site preparation and demolition), detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.

- 17 Prior to development commencing, other than demolition and site preparation, a Stage 1 Road Safety Audit, demonstrating that delivery and servicing activities and vehicular access to the basement car park can be achieved without compromising the safety of other users of the Colindale Retail Park, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety of users of the Colindale Retail Park.

- 18 Prior to development commencing (other than demolition and site preparation), further details of active and passive provision for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the submitted details.

Reason: To ensure adequate provision for parking of electric vehicles, in accordance with London Plan Policy T6.1.

- 19 Prior to construction above ground floor slab level, further details of how cycle parking will be provided in general accordance with London Plan Policy T5 and the London Cycling Design Standards shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be constructed in full accordance with the approved details.

Reason: To ensure cycle parking is provided to an adequate standard.

- 20 Prior to commencement of works above ground floor slab level, further details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority.

The work shall thereafter be carried out in full accordance with the approved details.

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

- 21 Prior to the commencement of construction works (excluding demolition, site clearance and the laying of foundations), further details shall be submitted to and approved in writing by the local planning authority, demonstrating how a minimum of 16 of the residential units would achieve Building Regulations requirement M4(3) – 'wheelchair user dwellings'.

The development shall thereafter be constructed in full accordance with the approved details, and the remaining residential units shall be constructed to achieve Building Regulations requirement M4(2) – 'accessible and adaptable dwellings'.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy D7.

- 22 Prior to construction commencing above ground floor slab, a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The insulation of the separating floor between the ground floor commercial uses and the residential

units on the first floor shall be designed to meet the standards of Building Regulations Approved Document E 'Resistance to the passage of sound'.

The approved measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 23 Within 18 months of works commencing on the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate the hard and soft landscaping details proposed on the approved plans, and further details of:
- i) Proposed materials for all hard surfaces;
 - ii) Precise locations of 10 Sheffield stands to be provided within the public realm;
 - iii) Species, locations and densities for all trees, grass and shrubs
 - iv) Play spaces including proposed equipment,
 - v) Biodiversity enhancement measures as recommended in the approved Preliminary Ecological Appraisal;
 - vi) Proposed walls, fencing and gates, indicating materials and heights.
 - vii) Details of defensible space of 1.5m depth to all habitable room windows facing onto communal amenity spaces, including windows in Units 1.10 and 6.15;
 - viii) Details of any signs and signboards within the site;
 - ix) Details of proposed fixed planters and bench seating;
 - x) Tree pits for all new tree planting;
 - xi) Soil depth and composition on roof terraces;
 - xii) Wind mitigation measures as recommended in the approved Pedestrian Level Wind Microclimate Assessment;
 - xiii) Details of the proposed arrangements for maintenance of the landscaping.

The approved landscaping scheme shall be completed:

(a) prior to first occupation or use of the building, in respect of hard landscaping components and wind mitigation measures;

(b) during the first available planting season following completion of the development hereby approved, in respect of all other soft landscaping components.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- 24 Prior to first occupation or use of the development, a Building Management and Maintenance Plan incorporating a Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. This document shall set out, inter alia, a long-term maintenance strategy for the development, measures to ensure the long-term affordability of running costs and service charges for all types of occupiers, and measures to ensure that all delivery and servicing activities can be safely accommodated on site without adversely affecting the safety and amenity of residents or other users of the development or conditions on the highway network.

All delivery and servicing activity shall thereafter be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a high standard of design is maintained, in accordance with London Plan 2021 Policy D4, and to ensure that all delivery and servicing activities can be safely accommodated on site without adversely affecting the safety and amenity of residents or other users of the development or conditions on the highway network.

25 Prior to first occupation or use of the development, a report shall be submitted to and approved in writing by the Local Planning Authority, providing evidence that the mitigation measures described in the approved Lighting Impact Assessment have been implemented.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of lighting.

26 Prior to first occupation or use of the site, any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full, and a verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Local Planning Authority has previously confirmed that no remediation measures are required).

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

27 Prior to first occupation or use of the non-domestic floorspace hereby approved, and notwithstanding Condition 2, a revised BREEAM Assessment and Post Construction Certificate, demonstrating compliance with the BREEAM Certification Process for non-domestic buildings and the achievement of a BREEAM Excellent rating, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the non-domestic floorspace is constructed in accordance with sustainable design and construction principles, in accordance with Brent Local Plan Policy BSUI1.

28 Prior to first occupation or use of the development, further details of arrangements for the allocation of on-site parking spaces including for Blue Badge holders shall be submitted to and approved in writing by the Local Planning Authority in the form of a Car Park Management Plan in general accordance with London Plan 2021 Policy T6.1. The Plan shall include details of how the use of the two spaces provided for non-residential use shall be managed so as to minimise opportunities for unauthorised access to residential cores.

The development shall thereafter be constructed and operated in full accordance with the approved details.

Reason: To ensure on-site parking is managed in an acceptable manner for the benefit of residents.

29 Prior to first occupation or use of the development, evidence that air quality neutral mitigation measures have been carried out in accordance with the recommendations in the approved Air Quality Neutral Assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local air quality, in accordance with London Plan Policy SI1, and Brent Policies DMP1 and BSUI2.

30 All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

Time	Area	Maximum noise level
Daytime noise 07:00 - 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 - 07.00	Bedrooms	30 dB LAeq (8hr)

Prior to first occupation or use of the development, the results of a test carried out to demonstrate that the required internal noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance

- 31 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

Prior to first occupation or use of the development, an assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound,' and details of any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority.

The plant shall thereafter be installed and maintained in accordance with the approved details

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 32 Prior to first occupation or use of any commercial unit including commercial kitchen facilities, details of the extract ventilation system and odour control equipment for the commercial kitchen, including all details of external ducting, shall be submitted to and approved in writing by the Local Planning Authority and the approved equipment shall be installed.

The approved equipment shall thereafter be operated at all times during the operating hours of the commercial unit and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents in accordance with Brent Policy DMP1.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 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 applicant is advised that, in respect of the discharge of conditions in relation to contaminated land, 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.
- 5 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors

may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form.

Please note that the council has 28 days to process such applications.

- 6 The Council will not be responsible for maintaining any drainage features provided within the site. A management and maintenance regime for these features will need to be prepared and to be implemented for the lifetime of the development at the developer's expense.
- 7 Prior to commencement of development, a photographic dilapidation survey of the adjoining Public Highway should be submitted to the Highway authority to ensure any damages to the footway are rectified.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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