

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

14 June, 2022
04
21/3754

SITE INFORMATION

RECEIVED	5 October, 2021
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	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.
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_157273</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.uk2. Select Planning and conduct a search tying "21/3754" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

1. Payment 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. Financial contribution of £150,000 towards affordable housing provision in Brent.
4. 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 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.
5. 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

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

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

Conditions:

Compliance

1. Three year rule
2. Approved documents
3. Withdraw permitted development rights for small HMOs
4. Non-Road Mobile Machinery
5. Provision of bin and cycle storage
6. Internal noise levels
7. Internal vibration levels
8. Car free development
9. Compliance with overheating assessment
10. Compliance with acoustic report
11. Highways works
12. Ecology and protected species

Pre-commencement

13. Construction method statement
14. Arboricultural method statement
15. Site investigation for contaminated land

During construction

16. Materials samples
17. Landscaping scheme

Pre-occupation

18. Remediation and verification of contaminated land
19. External lighting
20. Details of PV panels and heat pumps

Informatives:

1. CIL Liability
2. Thames Water
3. Network Rail
4. Bats and other protected species
5. Construction hours
6. Soil quality

C. 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

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

SITE MAP

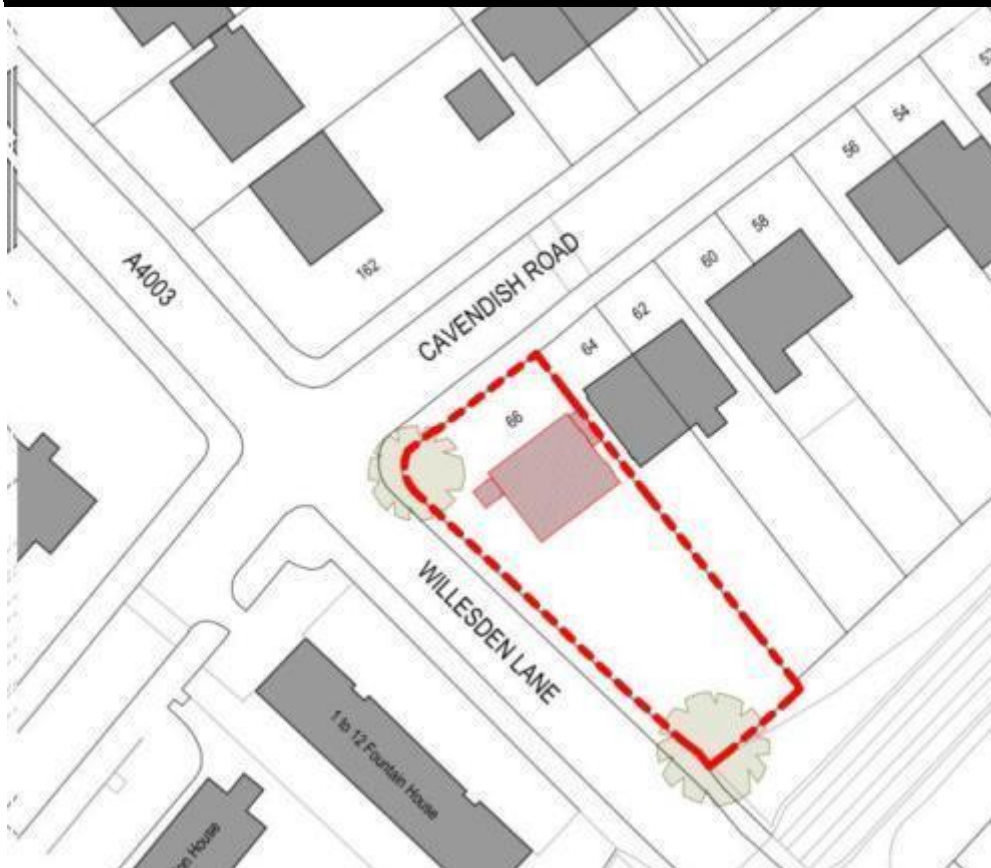


Brent

Planning Committee Map

Site address: 66 Cavendish Road, London, NW6 7XP

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This map is indicative only.

PROPOSAL IN DETAIL

Demolition of the existing residential building comprising 13 studio flats and the construction of a new part five, part six storey residential building comprising 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.

EXISTING

The subject site is a three-storey detached building occupying the corner plot at the south-eastern junction of Willesden Lane and Cavendish Road. The building is in residential use as 13 self-contained studio flats. The site is within an Intensification Corridor designated within the Brent Local Plan.

The site is not located in a conservation area and the building is not listed. Although the site is within an area proposed as part of a conservation area in Brent's Local Plan, this designation would be subject to a further legal process and so is not currently in effect.

AMENDMENTS SINCE SUBMISSION

Amended and additional plans and supporting documents were received during the course of the application:

- floorplans amended to show internal storage and internal dimensions;
- floorplans amended to show side-facing ground floor windows offset from boundary at 45 degree angle and window louvres removed;
- illustrative technical sections provided;
- Information on wheelchair accessible units provided;
- Daylight and Sunlight Assessment amended to update internal daylight results;
- Energy and Sustainability Statement Addendum provided;
- Streetscape Design Study provided;
- fourth floor roof terrace configuration amended.

These did not materially change the nature of the proposal, and did not require further consultation.

SUMMARY OF KEY ISSUES

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

Representations received: Objections were received from two ward councillors and from residents of 18 neighbouring properties. The objections relate to a range of issues, including the loss of the existing building, loss of existing low-cost housing, design aspects of the proposal including the height and bulk, loss of light and outlook to neighbouring properties, loss of trees and green space, impact of increased traffic and on-street parking pressures, and the cumulative disruption that would be caused by this development being constructed at the same time as a recently consented development at 166 Willesden Lane. In addition there were six representations in support of the proposal.

Principle of development: The proposal involves the redevelopment of a residential site to deliver new housing, to provide a net increase of eight new homes. The existing housing consists of poor quality studio flats, and there is no objection in principle to their loss. The proposal would make efficient use of a previously developed site in a residential area to contribute to Brent's housing targets, and is acceptable in principle.

Affordable housing and housing mix: The scheme includes 21 homes of which 5 would be family sized. No on-site Affordable housing is proposed. The applicant's viability report has been robustly reviewed on behalf of the Council by BNP Paribas, and has been shown to demonstrate that the development is not commercially viable and not able to support any on-site affordable housing or contributions in lieu.

Notwithstanding that the development is returning a deficit, the applicants have offered a financial contribution of £150,000 towards provision of affordable housing elsewhere in Brent, in recognition of this high priority need within the borough. The contribution, together with a review mechanism to secure a further contribution if viability improves sufficiently, would be secured through a s106 legal agreement. Five x 3-bed homes are proposed within the housing mix (23.8% of the total) to contribute towards the need for family-sized housing. This meets the policy requirement of 1 in 4 homes within developments to have 3 or more bedrooms.

Design, scale and appearance: The site is within an Intensification Corridor designated within the Local Plan, within which locations policy BD2 suggests height of up to 15 m above ground level may be acceptable while policy BH4 sets out that the character of the existing area will be subject to change over the plan period.

The surrounding area is characterised by large detached three-storey Victorian and Edwardian properties, with some three- to five-storey buildings of more modest construction including a five-storey building opposite the site at 166 Willesden Lane, currently under construction. The proposed building would range in height from three to five storeys, with additional accommodation at lower ground floor level. Much of the building is less than 15 m in height. However, ground level changes within the site and elements of the 4th floor project marginally above this (by approximately 0.5 m). The lift overrun and enclosure for the roof terrace project above this in locations as well. This is considered acceptable in the context of the existing and emerging street scene in the area, with the corner location providing scope for a five-storey element to act as a marker block and respond to the development coming forward on the opposite site. The combination of elements of different heights and forms would respond effectively to the context and provide sufficient articulation to break up the bulk and mass of the building and maintain visual interest. The proposal has been assessed as having no material impact on heritage assets nearby. Adequate information has been provided to ensure the highest standards of fire safety. High quality design detailing and landscaping are proposed, and would be secured through conditions.

Quality of residential accommodation: The proposal is for 21 new homes meeting or exceeding minimum internal floorspace standards and having good levels of light and outlook. Private and communal external amenity space would be provided, including roof and ground level communal spaces in addition to private balconies / terraces. There would be a total shortfall of 198 sqm against Brent's policy targets. However, on balance this is considered to be acceptable given the proximity to Queens Park (approx. 630 m) and the Aylestone Avenue Open Space (approx. 650 m).

Impact on neighbouring properties: The proposed building would have a noticeable although minor impact in terms of daylight availability on two lower ground floor side-facing windows at No 64 Cavendish Road. However the daylight available to these windows is already severely compromised by their position and proximity to the existing building, whilst all other windows and amenity spaces tested would continue to meet BRE targets for daylight and sunlight.

Energy and sustainability: The proposal would utilise air source heat pumps and solar PV panels to achieve a 55.5% reduction in carbon emissions on site, which exceeds the 35% policy requirement. Overheating risk has been assessed, and measures recommended to avoid this, and predicted water usage is calculated as being below 105l per person per day. Updated energy statements and a financial contribution to Brent's carbon offsetting fund would be secured through the s106 legal agreement.

Environmental health considerations: The potential for air quality and noise pollution and land contamination has been assessed, and further measures would be secured by conditions, together with a construction management plan to minimise nuisance from the construction process.

Flood risk and drainage: The applicant's flood risk assessment and drainage strategy have been reviewed by the local lead flood authority, and are considered to significantly reduce discharge rates and represent a significant betterment from a flood risk perspective.

Trees and biodiversity: The rear of the site borders a railway embankment which is part of a Site of Interest for Nature Conservation (SINC) (Grade 1) and protected wildlife corridor. The ecological appraisal finds that the development would be unlikely to affect the ecological value of the area, and further measures would be secured to prevent any harm to roosting bats. Of the eight existing trees on or near the site, four would be retained (including three of moderate quality) whilst four of low quality would be removed, with seven new trees planted in compensation. The proposal achieves an urban greening factor of 0.39, which is only marginally short of the target of 0.4 for residential developments.

Transport considerations: The development would be car-free, with no parking provided on site and parking permit restrictions to prevent residents other than Blue Badge holders from parking on the street. This is acceptable given the good accessibility to public transport in the area. Cycle parking and bin storage would be provided to comply with standards, and the existing vehicle crossover would be removed and returned to footway at the developer's expense. The development is expected to generate minimal extra traffic and no additional car journeys compared to the existing use.

RELEVANT SITE HISTORY

N/A

CONSULTATIONS

173 neighbouring properties were notified by letter of this proposal. A site notice was displayed outside the site on 10 November 2021 and a notice placed in the local newspaper on 18 November 2021. As a result of the consultation 27 comments were received, including six comments from neighbouring properties in support of the proposal, and objections from Cllrs Ethapemi and Gbajumo and 18 neighbouring properties. The objections are summarised below

Objection	Officer response
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Pressure on resources in the area	The development would be liable for the Community Infrastructure Levy, which provides funding for new and improved infrastructure and services to support new communities.
Loss of green space and garden grabbing	The site is in residential use and is not a designated green space or public open space.
Lack of affordable housing	This issue is discussed under 'Affordable housing and housing mix'
Not affordable to local residents and existing residents will be forced to leave	See Affordable Housing section of report for discussion on affordable housing. The planning system is unable to control property prices in the private sector.
Loss of Victorian / Edwardian house and loss of character	This issue is discussed under 'Design, scale and appearance'
Building height, scale and design out of keeping with the character of the area	This issue is discussed under 'Design, scale and appearance'
Over development of the site	This issue is discussed under 'Design, scale and appearance'
Out of keeping with scale of surrounding buildings	This issue is discussed under 'Design, scale and appearance'
Development will block out light to neighbouring properties	This issue is discussed under 'Relationship with neighbouring properties'
Overlooking and loss of privacy to neighbouring properties	This issue is discussed under 'Relationship with neighbouring properties'
Would worsen air pollution	This issue is discussed under 'Environmental health considerations'
Loss of green space increases the risk of flooding for those on lower floors	This issue is discussed under 'Flood risk and drainage'
Lack of parking and increased parking pressure	This issue is discussed under 'Transportation considerations'
Increased traffic impacting on already dangerous road junction	This issue is discussed under 'Transportation considerations'
Traffic disruption during construction	A Construction Method Statement would be required to minimise these impacts
Disruption and pollution affecting neighbouring residents during construction	A Construction Method Statement would be required to minimise these impacts
Development is for financial gain	Developer profit is not a material planning consideration.

External and statutory consultees

Local lead flood authority: no objection. Comments discussed in main body of report.

Sustainability officer: no objection

Environmental health and noise control team: no objection subject to conditions. Comments discussed in main body of report.

Network Rail: No objection subject to compliance with Network Rail requirements. An informative would be added to this effect.

Thames Water: No objection in relation to surface water or foul water sewerage infrastructure capacity.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2021 London Plan and the Brent Local Plan 2019-2041.

London Plan 2021

D1 London's form, character and capacity for growth
D3: Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive Design
D6 Housing quality and standards
D7 Accessible housing
D10 Basement development
D12 Fire safety
D14 Noise
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
H1 Increasing housing supply
H2 Small sites
H4 Delivering affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H12 Housing size mix
S4 Play and informal recreation
HC1 Heritage conservation and growth
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI4 Managing heat risk
SI5 Water Infrastructure
SI13 Sustainable drainage
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car Parking
T6.1 Residential parking

Brent Local Plan 2019-2041

DMP1: Development management general policy
BD1: Leading the way in good urban design
BD2: Tall buildings
BD3: Basement development
BH1: Increasing housing supply in Brent
BH2: Priority areas for additional housing in Brent
BH4: Small sites and small housing developments in Brent
BH5: Affordable housing
BH6: Housing size mix
BH13: Residential amenity space
BHC1: Brent's heritage assets
BGI1: Blue and green infrastructure in Brent
BGI2: Trees and woodlands
BSUI2: Air quality
BSUI4: On site water management and surface water attenuation
BT2: Parking and car free development

The following are also material planning considerations

National Planning Policy Framework (2021)

Planning Policy Guidance

Supplementary Planning Documents/Guidance (SPD/SPG)

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

Mayor of London's Sustainable Design and Construction SPG 2014

Brent SPD1: Design Guide for New Development (2018)

Brent Waste Planning Guide (2015)

DETAILED CONSIDERATIONS

Principle of development

1. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. London Plan Policy H1 sets out housing targets across London, with the target for Brent being 23,250 new homes over the ten-year plan period, and Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations, whilst Policy BH2 identifies town centres, edge of town centre sites and intensification corridors as other priority areas for new housing.
2. The site is within an intensification corridor and is therefore a priority location for the provision of additional homes. London Plan Policy H2 also supports the redevelopment of small residential sites such as this (under 0.25ha) to contribute towards increasing housing supply. Brent's Local Plan Policy BH4 reinforces this, particularly in priority locations such as intensification corridors and sites with PTAL ratings of 3 to 6, where the character of the existing area will be subject to change over the plan period.
3. The site is in existing residential use but would result in an uplift in the amount of housing, including family-sized housing. The existing 13 flats are all studio units and all but one are below minimum floorspace standards, some significantly so. The quality of some is further compromised by their location in the basement or roofspace. The site has a PTAL rating of 4 and its redevelopment to provide 21 units (a net increase of eight units) would therefore contribute to the delivery of Brent's housing targets in line with London Plan Policy H1 and Brent Local Plan Policy BH1 and BH2. The redevelopment of the site for residential intensification is acceptable in principle.

Affordable housing and housing mix

Policy background

4. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. The strategic target remains at 50% affordable housing, and a fast track route is provided whereby applications proposing at least 35% affordable housing (50% on public sector or industrial land) with a policy-compliant tenure split. Applications not meeting the criteria for the fast track route are subject to viability testing, to determine the maximum reasonable amount of affordable housing that the scheme can support.
5. Policy H6 requires affordable housing provision to include 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; and 40% to be determined by the borough based on identified need.
6. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of 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.
7. Local Plan Policy BH6 sets out a strategic target of 25% of new homes in the borough to be family-sized (3 or more bedrooms) and within development proposals, requires one in every four new homes to be family-sized. However, the policy allows for exceptions to be made where the location or characteristics of the development are such that it would not provide a high quality environment for families, or its inclusion would fundamentally undermine the development's delivery of other Local Plan policies.

Assessment of proposal

8. The proposal would result in the loss of 13 studio flats and the provision of 21 flats, comprising 4 x 1-bedroom flats, 12 x 2-bedroom flats and 5 x 3-bedroom flats. No Affordable Housing is proposed. However, the proposal would be subject to a £150,000 contribution towards off-site Affordable housing.
9. The application is supported by a Viability Report, which sets out that the scheme cannot viably support any affordable housing provision, due in a large part to the high benchmark land value of the site. This is primarily due to the Benchmark Land Value (BLV) of £3.45m being relatively high, reflecting the market value of the existing flats. Without factoring in profit, the scheme could deliver a small surplus of £315,879, equating to a residual profit of 2.56% on cost, which is significantly below reasonable profit targets for new development and does not represent a viable development.
10. The Assessment has been reviewed on behalf of the Council by BNP Paribas. They have challenged a number of factors including the assumed sales values for the proposed flats, the residual profit levels and the BLV. Further information has been provided by the applicant to demonstrate that the market value of the existing flats is not reliant upon any extensive refurbishments, and agreement has been reached on a BLV of £3.368m, resulting in a small deficit of £447,741. This review process has demonstrated to officers' satisfaction that the scheme is in deficit and cannot viably support any affordable housing provision.
11. Notwithstanding this, the applicant has offered to make a contribution to affordable housing as an additional public benefit of the scheme. The scope for providing one affordable housing unit on site has been considered, however this would be problematic in terms of the need for Registered Providers to have separate servicing and management arrangements and would also increase the overall deficit. Instead, it is proposed to offer a financial contribution to affordable housing provision in Brent of £150,000, which is likely to enable the provision of 1.5 new homes at London Affordable Rent levels.
12. Officers consider this offer to be reasonable, given that the development has been demonstrated as not able to viably support any affordable housing. The financial contribution would be secured through a s106 agreement, together with a late stage review mechanism to secure a further contribution against any uplift in GDV, based on agreed key inputs including developer profit of 17.5%. Subject to these provisions, the proposal is considered to be acceptable in terms of affordable housing provision and to comply with the relevant policy requirements.
13. In terms of the housing mix, the proposed scheme provides five of the 21 flats as 3-bedroom family sized homes (in addition to four x 1bed and twelve x 2bed homes), equating to a percentage provision of 23.8%. While Brent Policy BH6 sets a strategic target of 25 %, this policy requires 1 in 4 homes within development proposals to be family sized. The proposal would meet the 1 in 4 target and would accord with the Council's policy.

Design, scale and appearance

Policy background

14. 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.
15. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use, while Policy D5 seeks inclusive design without disabling barriers. Brent's Local Plan Policy DMP1 and the Brent Design Guide SPD1 provide further guidance on principles of good design, and Policy BD1 seeks the highest quality of architectural and urban design. The site is within an Intensification Corridor and policy BD 2 sets out that in such areas, outside Conservation Areas and Areas of Distinctive Residential Character, development of a general building height of 15 m above ground level could be acceptable. Policy BH4 highlights that in priority locations including Intensification Corridors, the character of the existing area will be subject to change over the Local Plan period.

Existing character of area

16. The surrounding area is characterised mainly by large detached three-storey houses with hipped roofs, of

which the ground floors are partly set below external ground level while the main entrances are raised above ground level and accessed by steps. Front dormer windows are a common feature of the area, adding further bulk to the existing street scene at roof level. However there are also examples of larger three- to four-storey apartment blocks of varied architectural styles including more recent flat-roofed developments such as at 170 and 172-174 Willesden Lane, The Avenue and Christchurch Avenue. A number of extant consents in the area also feature three- to five-storey apartment blocks.

17. In particular, planning permission has recently been granted for a five storey building in a contemporary style at 162 Willesden Lane (reference 19/0834 and 20/2041), which sits opposite the site on the northeast corner junction. This building has an L-shaped footprint and includes one storey set below external ground level. Whilst it would be of a similar height to neighbouring three-storey properties, the building would be significantly greater in bulk, occupying the majority of the site footprint across both street frontages. Policy BD2 sets out the buildings up to 15 m in height could be considered to be acceptable. Ground level varies within and adjoining the site. The building primarily sits below this height. The roof of the 4th floor, situated on the corner, projects slightly above this height. The parapets and railing for the roof terrace and the lift over-run projecting above this, with the brick parapet approximately 16.2 m above ground level and the railing approximately 40 cm above this. This additional height is focused on the corner and is not considered to result in a building that appears disproportionately large given the emerging context and Intensification Corridor designation.
18. The existing building on site is similar in style to other properties in the area and is considered to be typical of the early Victorian / late Georgian style but not to have any overriding architectural merit that would preclude the redevelopment of the site. The building is not listed or locally listed and there is no policy objection to its demolition.

Impact on heritage assets

19. The NPPF advises that, when considering the impact of a proposed development 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss. Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. In this case, the following heritage assets are in close proximity to the site and could potentially be affected by the development:
 - Christ Church, Grade II listed (a designated heritage asset), located approx 150m to the northwest
 - Brondesbury Conservation Area to the north (a designated heritage asset)
 - North Kilburn Conservation Area to the southeast (a designated heritage asset)
 - 161 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 50m to the northwest
 - 167 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 90m to the northwest;
21. The site is within approx 200m of Brondesbury Conservation Area and a proposal to extend the Conservation Area boundary, to include the whole of Cavendish Road and the aforementioned designated and non-designated heritage assets, is being progressed. However, consultation has not begun on this proposal and no weight can be given to this potential future designation at this time.
22. Brent's conservation officer has confirmed that the relevant heritage assets have been identified and that the proposed development would not affect the setting of these heritage assets. There are no objections on these grounds.

Design of proposal

23. The proposed building would include a lower ground floor level which would be set below external ground level but would be set within a series of lightwells to provide a degree of visibility within the street scene. This element would be generally in keeping with the surrounding area, in which lower ground floor

accommodation set partly below the street is a common feature. Above ground, the front element of the building would be three storeys tall with a mansard roof providing an additional fourth storey. This element would be of the same overall height as the adjacent building at No 64 Cavendish Avenue. The building would then rise to five storeys on the corner, with a curved bay providing a distinctive landmark feature on the corner. The rear part of the building would step down to four and then three storeys along the Willesden Lane frontage but the third and fourth storeys would be set in from the boundary with the adjacent property at No 64 Cavendish Avenue.

24. The combination of elements of different heights and forms would respond effectively to the context and provide sufficient articulation to break up the bulk and mass of the building and maintain visual interest. The overall height and massing are considered to be appropriate to the corner location, with well-composed facades and good proportions that establish a clear hierarchy across the scheme. The building would address both street frontages and the communal entrances would be clearly defined and expressed within the wider streetscape, creating legibility and a sense of arrival for future residents.
25. The Design & Access Statement sets out a clear approach to materiality, reinterpreting various design details and features from the surrounding context in a contemporary manner, and is considered to provide the basis for delivery of a high quality and robust development. Opportunities for high quality landscaping within the site have been maximised, including retention of existing trees which would help to ground the scheme within the surrounding area. Overall, the proposal is acceptable in terms of urban design, and responds well to the constraints of the site. Further details of materials and key construction details would be required by condition.

Fire safety

26. London Plan Policy D12 requires all major developments to be accompanied by a fire statement produced by a third party suitably qualified assessor.
27. A fire strategy report has been submitted in accordance with this requirement. This sets out details of the fire detection and warning system, sprinkler system and natural smoke ventilation, means of escape, dry risers, emergency lighting, exit signage, fire compartmentation and protection, and secondary power supplies.

Quality of residential accommodation

Policy background

28. 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. Housing developments should maximise the provision of dual aspect dwellings and avoid the provision of single aspect dwellings where possible.
29. Brent's Local Plan Policy BH13 requires new homes to have external private amenity space of a sufficient size and type. This is normally expected to be 50sqm for 3bed or larger homes at ground floor level and 20sqm for all other housing. Where there is a shortfall in the amount of private amenity space provided, this can be supplemented by communal spaces. Minimum standards for private amenity spaces are also set out in London Plan Policy D6.

Assessment of proposal

30. All of the units proposed either meet or exceed minimum internal space standards. The internal layouts are generally well planned and functional, including adequate storage areas. Of the 21 units proposed, only three would be single aspect (two x 1b2p and one x 2b4p) and none of these units would be north facing. The Daylight and Sunlight Assessment demonstrates that all rooms would exceed the Average Daylight Factor (ADF) target values recommended by the BRE.
31. Two of the 3bed units would be duplexes with ground floor and lower ground floor accommodation, and these would require 50sqm of external amenity space to comply with Policy BH13, whilst all of the other units would require 20sqm, the total requirement being 480sqm. All units would have access to private balcony or terrace areas of various sizes, with the two ground floor 3bed units having relatively large private terraces on the lower ground floor. The shortfalls for individual homes against the targets set out

in Policy BH13 have been assessed, and cumulatively there would be a shortfall of 299sqm in total private amenity space.

32. To compensate for this shortfall in private space, communal amenity space would be provided on site, comprising a 123sqm ground floor landscaped garden to the rear of the building and a 33sqm fourth floor roof terrace. However, a large proportion of the communal garden comprises the ramped access, and the usable area is approximately 68 sqm in size. The total communal amenity space provided would be 153sqm, reducing to 101 sqm when excluding the ramps to the garden. This would leave a residual shortfall of 198 sqm against the policy requirement. The rear garden would include a doorstep play area for young children. Open spaces in the vicinity include the Aylestone Avenue Open Space (approximately 650 m away) and Queens Park (approximately 630 sqm away). On balance, this is considered sufficient to mitigate the impact of the shortfall in amenity space within the site. Screening to some balconies or terraces would be required to prevent any mutual overlooking between units, and further details of this would be secured by condition, together with a detailed hard and soft landscaping scheme.

Conclusion

33. There is a shortfall in external amenity space proposed within the site against policy targets. However, overall, subject to the conditions above, the proposal is considered to offer a good standard of accommodation for future residents and to comply with the relevant policies.

Impact on neighbouring properties

Policy background

34. 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. Separation distances of 18m to existing habitable room windows and 9m to boundaries should be maintained.
35. To ensure development does not adversely impact on daylight and sunlight to existing properties, 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, both measured from a height of two metres above ground level. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight 2011 guidance is required where the 25 degree test is not met.
36. The BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit.
37. 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.

Assessment of proposal

38. The proposed development is located on a corner plot against the railway embankment, and the only immediately adjoining property is No 64 Cavendish Road, which contains six flats. In relation to the boundary with this property, the front part of the building would be aligned with the front and rear building lines of No 64, whilst the rear part of the building would be set in from the boundary sufficiently to be below a line of 45 degrees at the garden edge.
39. Given the location of the development relative to this neighbouring property, the 30 degree test is not considered applicable. Although there are side facing windows to No. 64 Cavendish Road, these are already affected by the existing building. The proposed building would not significantly impact on any

front- or rear-facing habitable room windows at this property due to their location and orientation.

40. Due to the arrangement of the building, the development has the potential to impact the privacy of neighbouring residents at No 64 Cavendish Road. The side elevation of the rear part of the building would be located less than 9m from the boundary with the rear garden of that property. In order to ensure that the development does not result in undue overlooking and loss of privacy, ground floor and first floor habitable room windows in this elevation would be either recessed at an angle so as to provide oblique views towards the far rear garden of No 64 or secondary windows obscured by louvres.
41. The application has been accompanied by a Daylight and Sunlight Assessment, which assessed the three surrounding properties: Fountain House on the opposite side of Willesden Lane (36 windows), No 64 Cavendish Road (ten windows, of which three side elevation windows on the first and second floors are known or understood not to be primary habitable room windows, due to their size and positioning, and have not been assessed), and the consented scheme at 162 Willesden Lane (13 windows including three at basement level).
42. Of the 56 windows assessed, 54 would continue to meet BRE target values. The two lower ground floor side facing windows to 64 Cavendish Road would fall below BRE targets with the windows retaining 72.87% and 68.02% of their former value of VSC. It should be noted that these windows currently receive very low levels of light (the existing VSC values are 7.07% and 5.69% respectively compared to the target of 27%), which can be attributed to their side facing position and the obstruction caused by the existing building. The existing low values accentuate the impact of further losses. Consequently any meaningful development is likely to result in reductions beyond the target values stated in BRE guidance. Whilst there is no planning history available for No 64, the applicant has provided further information consisting of a lease plan for the lower ground floor flat at No 64 (Garden Flat, or Flat A), which indicates that these windows serve a bathroom and hallway, with the main habitable rooms served by front- or rear-facing windows. The information provided by the neighbour is that these windows serve a kitchen, reception room and bathroom. However, notwithstanding this lack of clarity on the internal layout, the loss of daylight to these two-side facing windows would be only marginally above the BRE targets and is considered to be acceptable in this case.
43. All assessed windows would comply with BRE guidance in relation to sunlight.
44. In relation to sunlight to neighbouring gardens, the rear garden of 64 Cavendish Road has been assessed. The area of garden receiving at least two hours sunlight on 21 March would be only marginally reduced to 97% of its former value, which complies with the BRE recommendations.

Conclusion

45. The impact on daylight to two neighbouring side facing windows is considered not to be unduly adverse, and overall the proposal is considered to have an acceptable relationship with neighbouring properties, and to comply with the relevant policies in this regard.

Energy and sustainability

46. Brent's Policy BSUI1 requires major developments to be supported by a Sustainability Statement, 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. Major developments are also required 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. 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 SI4 requires the potential for overheating to be assessed and minimised through design.
47. An Energy and Sustainability Statement has been submitted. This sets out how the development would utilise improved thermal performance and energy efficiency measures, together with air source heat pumps and solar PV panels, to achieve a 55.5% reduction in carbon emissions on site, which exceeds the policy requirement. An addendum report has been submitted in response to comments from Brent's Sustainability Officer. This includes more detail on the specific contribution from energy efficiency measures, a more detailed overheating assessment, and the proposed air source heat pump system, indicative costs to residents, and information on future connection to a district heat network should one become available. With this additional information, the proposal is considered to be acceptable.

48. Updated energy statements would be required at detailed design and post-construction stages, together with a contribution to the Council's carbon offsetting fund and a commitment to monitor and report on energy performance. These would be secured through the s106 agreement, to achieve a zero-carbon development. Further details of the PV panels and heat pumps would be required by condition, together with details of how the capacity for future connection to a district heat network would be secured.
49. The Statement also includes an overheating assessment, which identifies that the units would have a slight to medium risk of solar overheating, which complies with Building Regulations requirements. Recommended measures to address this risk include use of solar control glazing, mechanical ventilation with heat recovery, and use of smoke vents linked to thermostats.
50. Predicted water usage is calculated as being below 105l per person per day, to comply with London Plan Policy S15.

Environmental health issues

Air quality

51. The site is within an Air Quality Management Area, and London Plan Policy S11 requires an air quality assessment to demonstrate that the proposal would be air quality neutral.
52. The air quality assessment submitted has been reviewed by Environmental Health officers, and is considered to demonstrate that there are no air quality impacts from the development. No conditions are required in relation to air quality.

Contaminated land

53. The area surrounding the site has been identified as being previously contaminated and consequently a full assessment of land contamination is required. This would be secured by condition, together with the implementation and validation of any necessary remediation measures.

Noise

54. A noise assessment has been submitted, and this demonstrates that with mitigation measures in place for the heat pumps, noise will not cause any adverse impact to existing or future residents. Environmental Health officers have confirmed that if the mitigation measures are in place then no further conditions are necessary.
55. As the development would be closer to the railway line than the existing building, the potential impact of noise and vibration from passing trains has been considered, however it is considered that acceptable internal noise levels could be achieved through the detailed design process, and these would be secured by condition.

Construction process

56. A Construction Method Statement would be required as a pre-commencement condition, setting out details of how dust, noise and other environmental impacts would be controlled during the construction period.

Flood risk and drainage

57. The site is situated in fluvial Flood Zone 1 although partly within a Flood Zone 3 for surface water flooding. A Flood Risk Assessment and Drainage Strategy has been submitted. The site is not within a critical drainage area and is located in a low risk area for groundwater flooding, which equates to the site being at low risk of flooding overall.
58. As the site geology is based on London Clay and the site is not in close proximity to a watercourse, infiltration into the ground and discharge to a surface water body are not practical. Sustainable drainage measures are proposed to reduce surface water runoff, including green roofs on available roof spaces. A basement impact assessment has been submitted, and this concludes that the basement would not adversely affect groundwater flow, surface flow or flooding due to the low permeability of London Clay.

59. The Local Lead Flood Authority have been consulted and note that the proposal would lead to a 48% increase in non-permeable space within the site. However, the proposed implementation of sustainable drainage measures via 25 cubic metres of storage attenuation would significantly reduce the discharge rates, with a 86% reduction in a 1 in 100 year event. Consequently the development provides a significant betterment from a flood risk perspective, and is acceptable on this basis.

Trees and biodiversity

60. London Plan Policy G5 requires major development proposals to include urban greening measures, and Brent's Policy BH4 requires an Urban Greening Factor of 0.4 for proposals involving the redevelopment of small sites. London Plan Policy G6 provides protection for Sites of Importance for Nature Conservation (SINCs). Whilst the overall aim of this policy is to protect habitats and species of biodiversity value, it states that sites with SINC status should be given the level of protection commensurate with their importance. Brent's Policy BGI1 also seeks no net loss of biodiversity and encourages urban greening proposals to also support biodiversity.
61. The potential effect of the development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of all planning applications. Brent's Policy BGI2 requires a tree survey where development could affect trees on or near the site, and seeks new tree planting to accompany major developments.
62. The rear of the site borders a railway embankment which is part of a designated Site of Interest for Nature Conservation (SINC) (Grade 1) and a Wildlife Corridor protected under Brent's Policy BGI1. A preliminary ecological assessment has been submitted, including an assessment of habitats on site with suitability for roosting bats. There were no records of birds, bats, amphibians, hedgehogs or invertebrates within close proximity to the site. Habitats within the site included dense scrub, scattered trees and introduced shrub, and no evidence was found of any protected species on site and the ecological value of these habitats was considered to be low due to the impact of human disturbance, although the railway embankment itself provides a valuable commuting corridor for birds, bats and other wildlife. Overall, the proposal was assessed as being unlikely to adversely affect the ecological value of the area.
63. The existing building on site was assessed as having low potential for bat roosts. A further bat emergence survey was carried out, and identifies that the building is supporting a soprano pipistrelle day roost. The survey recommends registration of the site in the Natural England Class Licence Scheme (this is a legal requirement outside of the planning system) and mitigation measures to include a precautionary approach to development, with new bat boxes to provide compensation, which would also be secured through the Licence Scheme.
64. The appraisal included recommendations for further action, including hedgehog and reptile avoidance measures during construction, biodiversity enhancement through provision of bird and bat boxes, and wildlife-friendly landscaping. Compliance with these recommendations would be required by condition.
65. The applicant's tree survey identified eight existing trees including a Horse Chestnut (T4) against the railway embankment which is subject to a Tree Preservation Order, a Norway Maple (T1) on the corner of the site at the road junction and a Lime (T8) on the frontage of No 64, all of which are Category B trees. The remaining five trees are Category C trees, of which T2, T3, T6 and T7 would be removed to facilitate the development (T5 is at the rear of the adjoining garden).
66. The Tree Officer has no objection to the scheme on arboricultural grounds and welcomes the retention of T1 and T4. A detailed arboricultural method statement would be required as a pre-commencement condition, to cover demolition, construction and landscaping activities, including the location of site welfare facilities, material and spoil storage etc. as well as an arboricultural site supervision specification for all works within the root protection areas of retained trees. Seven new trees are proposed along the road frontages and in the communal rear garden, which would compensate for the loss of four trees on site, and further details of these would be required by condition as part of a detailed landscaping scheme.
67. The application has been supported by landscaping proposals and would achieve an Urban Greening Factor of 0.39, falling marginally short of the target of 0.4. As noted above, new tree planting in addition to retained trees would create a verdant character for the development, particularly along the Cavendish Road frontage. This would be supplemented by flower-rich ground cover and multi-stem shrubs, and the communal rear garden would also have a grassed area with informal play equipment. Private terraces on the lower ground floor would also have flower-rich ground cover planting and shrubs together with

small patio areas, while the roof terraces would include flowering ground cover and biodiverse green roofs in addition to small paved areas.

68. Overall, it is considered that the proposals would not harm any existing ecological interests and would enhance the biodiversity value of the site, while retaining trees of quality and planting new trees to compensate for those removed. The landscaping proposals would help to deliver a high quality and verdant development, subject to approval of details by condition.

Transport considerations

69. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and expects car-free development to be the starting point for developments in accessible locations. The parking allowances for residential development in Brent's Policy BT2 are aligned with those set out in London Plan Policy T6.1).
70. No off-street parking is proposed within the site, and this is consistent with the policy requirement, given the PTAL rating of 4. However, Brent's Policy BT2 also requires that the development should not add to on-street parking demand whether existing on-street spaces cannot meet existing demand. In this case, there is insufficient space to accommodate the potential parking demand along the site frontage (notwithstanding the lightly parked nature of Cavendish Road) and therefore parking permit restrictions would be imposed by condition, to prevent future residents from obtaining on-street parking permits. Blue Badge holders would be exempt from any such agreement and would be free to use the parking bays along the Cavendish Road frontage of the site, to meet the disabled parking requirements.
71. The existing vehicle crossover to the site would become redundant, and would need to be removed and reinstated to footway with full-height kerbs at the developer's expense. This would be secured as a condition.
72. London Plan Policy T5 requires a minimum of 40 secure cycle parking spaces for a development of this size. A storeroom is proposed at lower ground floor level, with access via an appropriately sized lift, providing the required 40 spaces as a mixture of two-tier racks and Sheffield stands to cater for different types of cycles, with suitable headroom for the two-tier racks. Two cycle stands are also proposed in front of the building entrances for the use of visitors.
73. Bin storage (four Eurobins and six wheeled bins) is shown along the Willesden Lane frontage of the site, providing more than enough capacity and allowing easy access for collection from the adjoining highway.
74. The two building entrances would both front Willesden Lane, which is acceptable in transport terms. However, it should be noted that any deliveries to residents from the site frontage would need to be made outside of peak times in order to comply with the loading restrictions on the street, although delivery vehicles could also use parking bays in Cavendish Road.
75. Finally, a Transport Statement has been submitted with the application, which considers the likely trip generation from the site. With 13 flats already located on the site, the net increase in units is eight. Based upon comparisons with other residential developments in London, these additional flats are predicted to generate just three to four additional trips in each peak hour and as no car parking would be provided, none of these trips are expected to be by car. The proposal would therefore have a negligible impact on local transport networks.
76. Overall, the proposal is acceptable in transport terms and complies with the relevant policies.

Equalities

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

Conclusion

78. The proposal would make efficient use of a small residential site to deliver new housing that would contribute to Brent's housing targets. The site is in existing residential use and is not designated open

space, and adequate provision would be made to protect retained trees and any ecological value contained in the railway embankment, together with new tree planting and landscaping. The existing housing is considered to be of substandard quality, and its loss can be supported on this basis. The design, scale and height of the building are considered to be appropriate to the context, and the proposal would cause only very limited loss of light and outlook to neighbouring side-facing windows. The proposal for a car-free development can be supported in this area of good access to public transport.

79. 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.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 21/3754

To: Mr Westhoff
Iceni Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

I refer to your application dated **05/10/2021** proposing the following:

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.

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

at **66 Cavendish Road, London, NW6 7XP**

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

Date: 06/06/2022

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:-

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):

491-PL-001
491-PL-002
491-PL-003
491-PL-020
491-PL-021
491-PL-022
491-PL-023
491-PL-030
491-PL-031
491-PL-101 A
491-PL-102 B
491-PL-103 B
491-PL-104 A
491-PL-105 B
491-PL-106 B
491-PL-107
491-PL-120
491-PL-200
491-PL-201
491-PL-202 B
491-PL-203
491-PL-300
491-PL-301
491-PL-500
491-PL-510
514.01
514.02
514.03
514.04
514.05
514.06
514.07

Air Quality Assessment (Redmore Environmental, Ref 4396r2, 17.09.21)
Basement Impact Assessment (Card Geotechnics Ltd, Ref CG/38952, September 2021)
Bat Emergence Survey (Crossman Associates, Ref B1203.001 Issue One, 18.10.21)
Energy & Sustainability Statement (Doherty Energy, Ref E1088-ESS-00, 17.09.21) and
Addendum (Doherty Energy, Ref E1088-ESS-00-ADD, 14.01.22)
Fire Strategy Report (CH/PK Fire Engineering, Ref FE00565 Rev A, 23/09/21)
Landscape Report (Philip Cave Associates, September 2021)

Planning Compliance Report (KP Acoustics, Ref 22292.PCR.01, 24.09.21)
Preliminary Ecological Assessment & Bat Roost Assessment (Philip Cave Associates, Ref P.1420.21, September 2021)
Surface Water Drainage Strategy (Civic Engineers, Ref 1830-01, September 2021)
Tree Survey and Impact Assessment (Keen Consultants, 1599-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA, September 2021)

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

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

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

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

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

- 5 The approved waste storage and cycle storage facilities shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

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

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

Time	Area	Maximum noise level
daytime noise 07:00-23:00	living room /	35 dB LAeq (16hr)
	bedrooms	55 dB LAeq (1hr)
	outdoor amenity	
night time noise 23:00-07:00	bedrooms	30 dB LAeq (8hr)
		45 dB LAmax

Reason: To obtain required sound insulation and prevent noise nuisance

- 7 The residential development must be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz) are not exceeded.

Vibration dose values -

Residential buildings 16 h day	0.2 to 0.4
Residential buildings 8 h night	0.1 to 0.2

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources.

- 8 Occupiers of the residential development hereby approved shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 9 The development shall be carried out fully in accordance with the recommendations on internal overheating set out in the approved Energy and Sustainability Statement, and shall not thereafter be altered in any way without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is sufficiently sustainable, in accordance with London Plan Policy SI4 and SI5.

- 10 The development shall be carried out fully in accordance with the recommendations on acoustic screening set out in the approved Planning Compliance Report (KP Acoustics), and shall not thereafter be altered in any way without the prior written consent of the Local Planning Authority.

Reason: To ensure acceptable internal and external noise levels, in accordance with Brent Policy DMP1 and London Plan Policy D14.

- 11 The developer shall enter into an agreement with the Highway Authority under s278 of the Highways Act 1980 to remove the existing vehicle crossover at the site and reinstate the public footway. The works shall thereafter be completed at the developer's expense and to the satisfaction of the Highway Authority, prior to first occupation or use of the development.

Reason: To ensure acceptable impacts upon the local highway network.

- 12 The recommendations set out in the approved Preliminary Ecological Assessment & Bat Roost Assessment shall be carried out in full throughout the construction of the development and where relevant, the associated measures shall thereafter be retained and maintained.

Reason: To ensure an acceptable impact on ecology and protected species.

- 13 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development, together with a plan identifying adequate on-site parking for construction vehicles and areas for storage of materials, and demonstrating how the construction works will comply with the recommendations set out in the approved Preliminary Ecological Assessment & Bat Roost Assessment.

The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

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

- 14 No development shall commence until an arboricultural method statement, appropriate and specific to the approved scheme, to include details of all demolition, construction and landscape construction works within the root protection area of any retained tree (**as per the approved Tree Survey and Impact Assessment (Keen Consultants, 1599-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA, September 2021))** has been submitted to and agreed in writing by the local planning authority.

The details submitted shall include an **arboricultural site supervision specification**, a construction site plan showing the location of site welfare facilities, material and spoil storage, specification, construction methodology and sequencing of works for no-dig surfacing, methodology for demolition and removal of existing building, and manual/mechanical excavation within root protection areas including the protection/treatment of any roots encountered. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.

Reason: To ensure adequate protection for retained trees.

Reason for pre-commencement condition: Damage to trees can occur at any stage as a result of demolition and construction activities, and adequate controls need to be in place from this time.

- 15 Details of materials for all external work, including samples, and including details of the external appearance of acoustic screening to external air source heat pumps, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced above foundation level. The work shall thereafter be carried out in accordance with the approved details.

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

- 16 Following the demolition of the existing building and prior to the commencement of construction works:

(a) 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

(b) 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. It 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.

- 17 Prior to first occupation or use of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping work shall be completed:-

(a) prior to occupation of the building(s), in respect of all hard landscaping elements and boundary treatments;

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

The scheme shall include details of:-

- i. Proposed materials for all hard surfaces;
- ii. Species, locations and densities for all trees and shrubs;
- iii. Details of materials and size of all raised planters;

- iv. All proposed boundary treatments and gates, indicating materials and heights;
- v. Defensible space to habitable room windows at ground level that face onto communal areas;
- vi. Details of play equipment and features, and external seating;
- vii. Details of biodiversity enhancement measures including wildlife friendly planting and bird and bat boxes;
- viii. Details of the proposed arrangements for maintenance of the landscaping.

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.

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

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

- 19 Prior to any installation of external lighting within the development, an external lighting plan showing the lighting lux plots at the residential premises (in vertical illuminance) shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development does not create adverse impacts in terms of light pollution, in accordance with Policy DMP1.

- 20 Further to first installation or use of the PV panels or air source heat pumps, further details of the products to be installed and their precise locations shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

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 **Thames Water has advised the applicant of the following:**

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$).

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.[developer.services@thameswater.co.uk](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$. Should you require further information please contact Thames Water. Email: <a href=) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[developer.services@thameswater.co.uk](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$. Should you require further information please contact Thames Water. Email: <a href=)

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[developer.services@thameswater.co.uk](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$. Should you require further information please contact Thames Water. Email: <a href=)

3 **Network Rail has advised the applicant of the following:**

The applicant is advised of the following which must be undertaken to protect the safe operation and integrity of the railway.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and

Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Fencing

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.
- New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

Drainage proposals and Network Rail land

The NPPF states: "178. Planning policies and decisions should ensure that: a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability." And "163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere."

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the

operational railway.

- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Excavation and Earthworks and Network Rail land:

The NPPF states: "178. Planning policies and decisions should ensure that: a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works

being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

Noise

The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, "182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.
- Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
- Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
 - turning circles
 - roads, public highways to facilitate access and egress from developments
- Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. Therefore, the applicant will submit an Asset Protection Questionnaire to AssetProtectionLNWSouth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

For further information on interfacing with Network Rail please see Working by the railway - Network Rail

- 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 applicant is informed that, in relation to the discharge of conditions regarding the remediation of 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.

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