

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

14 March, 2018  
06  
17/0322

## SITE INFORMATION

RECEIVED	20 January, 2017
WARD	Willesden Green
PLANNING AREA	Brent Connects Willesden
LOCATION	1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT
PROPOSAL	Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of 298sqm providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation, and use of basement level to provide retail warehouse floorspace of 243sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level
APPLICANT	HTA Design and Tide Construction
CONTACT	HTA Design LLP
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_132271">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_132271</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "17/0322" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Viability Review - In the event a Higher Education Institution or Student Accommodation Provider acting for and on behalf of a Higher Education Institution does not take up the operation and management of the development then the owner shall prior to occupation submit to the Local Planning Authority a Viability Review in order to secure the maximum quantum of affordable student accommodation possible within the development.
4. That the development is "parking permit restricted" - future occupants will not be eligible for on-street parking permits.
5. S278 Agreement to undertake highway works within the footway along the site frontage to resurface the footway
6. To pay to the Council upon commencement of development the sum of Fifty-one Thousand Pounds (£51,000), indexed, to be utilised by the Council towards public realm improvements for trees and street furniture in the vicinity of the development
7. Training and Employment - Prior to a material start (excluding demolition and piling) to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works. And, prior to a Material Start to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and in relation to the operational phase of the Development
8. Considerate Constructors Scheme

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Travel Plan
4. Occupation by students
5. Provision of servicing access
6. Approval of materials
7. Noise assessment
8. Restriction on satellite dishes
9. Water usage
10. Construction Environmental Management Plan (CEMP)
11. Air Quality
12. Delivery and Servicing Plan
13. Site Investigation and Remediation
14. Sustainable Urban Drainage
15. Details of cycle storage

Informatives

1. Party Wall Act


2. CIL liability
3. Ground water risk management
4. Thames water pressure
5. Asbestos
6. Notify highways of commencement of works and provide photographic survey of footway
7. Advertisement consent requirements
8. Best practice for control of pollution
9. Noise and vibration
10. Structural integrity
11. Licences
12. Highways Act
13. Vibration
14. Air Quality
15. Maximum standards for fire safety
16. Brent supports the payment of the London Living Wage

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

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

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

## SITE MAP

	<b>Planning Committee Map</b>
	Site address: 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



## PROPOSAL IN DETAIL

It is proposed to demolish the existing parade of shops and replace them with a part six, part seven and part eight storey building over a basement.

The ground floor would consist of five commercial units (use class A1) with a total floor space of 298 sqm. The upper floors would consist of 117 student residential accommodation units (Sui Generis use). The student accommodation would be accessed via a ground floor entrance on the corner of the site.

The basement would consist of 236 sqm of floorspace that would provide a retail warehouse to be used by the five commercial units, as well as cycle and bin storage; laundry facilities and plant room for the student accommodation.

As part of the application the applicant also proposes enhancements to the public realm at street level which include additional trees, street furniture and paving.

## EXISTING

The application site is located on the corner of Walm Lane and Willesden Lane and currently consists of a single storey parade of shops known as Queens Parade with a gross internal area of around 580 sqm. The parade consists of twelve individual units that are mainly used for 'meantime' uses such as small businesses that are starting out. The site is located within primary shopping frontage of Willesden Town Centre and the Willesden Conservation Area but does not contain any listed buildings.

Electric House, which is a part 4/6/7 storey mixed use residential/commercial building, is located directly adjacent to the site. Rutland Park Mansions, an older four storey residential building, is located to the east of the site. There is a variety of building types and sizes found on the opposite side of Walm Lane and Willesden Lane leading to Willesden High Road. Willesden Green underground station is located approximately 240 metres to the north-east of the site and the site has a PTAL of 5. The site forms part of site allocation 28, which includes this site and Electric House. The site is also within an Air Quality Management Area.

## 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:

**Principle of use:** There is no objection in principle to the redevelopment of the site to provide student accommodation and five retail units. The site is considered to accord with Council policy in relation to the provision of student accommodation due to its location within a town centre and good transport links. The submission demonstrates a need for the student accommodation in line with Brent and London Plan policy. The retail units would contribute to the viability and vitality of the Willesden Town Centre. The principle of development is therefore considered to be acceptable.

**Representations received:** Objections were received from 20 local residents and one Councillor raising concerns regarding the loss of the retail units; harm to the high street; suitability of student accommodation at the site; parking/servicing, overdevelopment; impact on conservation the area and impact on neighbouring amenity. In addition to this 50 letters of support were received from local residents who stated that the existing buildings do not make best use of the site; the proposal will boost the local economy; the new units will improve the town centre; and the height is considered to be suitable.

**Demolition of existing building:** There is no objection in principle to the demolition of the existing retail units. While they are in a Conservation Area, the existing buildings do not share the distinctive characteristics which define the Willesden Green Conservation Area. The Site Specific Allocation encourages redevelopment of the site with a more intensive and better use of land. The loss of these buildings is considered to accord with policy provided the replacement building is of an acceptable design.

**Character and Appearance:** The proposal is considered to have a high quality design that has regard to the character of its surroundings including the conservation area and to not inappropriately challenge or dominate surrounding development.

**Impact on Neighbouring Amenity:** The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is considered to be acceptable, according with relevant Brent standards and BRE guidance.

**Parking & Servicing:** It is considered that the use of a 'permit free' agreement secured by condition would mitigate against parking concerns in the area. It is considered that the proposed servicing arrangements would be suitable for the site and would not materially harm the surrounding area.

## RELEVANT SITE HISTORY

A planning application was submitted in 2013 for the redevelopment of the site, but was subsequently withdrawn.

### 13/1122 – Withdrawn

Full planning permission withdrawn for the demolition of the existing buildings at 1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on ground floor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terraces

### 13/1123 – Withdrawn

Conservation Area Consent sought for the demolition of all existing buildings

Planning permission was granted in 1995 for the demolition of the shops and construction of a three-storey building. This was not implemented and the permission lapsed.

### 95/1656 – Granted

Demolition of existing buildings and redevelopment to provide 5 No. shop units comprising A1 and A2 uses and a cafe/restaurant (A3) and 14 No. flats on first and second floors (as revised by plans received 23/09/96 and 05/11/96).

### 95/1657 – Granted

Conservation Area Consent for demolition of all buildings on Queens Parade

### Planning history for adjoining site - Electric House

Permission was granted in January 2014 for the redevelopment of the adjoining property, Electric House, in January 2014. This 4 to 7-storey building containing 25 flats was completed in late 2015.

### 13/1428 – Granted

Demolition of existing office building and erection of a seven storey building comprising 25 residential apartments (11 x 1-bed, 13 x 2-bed and 1 x 3-bed) and 383sqm of retail floorspace on the ground floor with associated cycle parking, first floor rear communal roof terrace and associated landscaping and subject to a Deed of Agreement dated 02 December 2013 under Section 106 of the Town and Country Planning Act 1990, as amended

## CONSULTATIONS

Neighbour consultation letters were sent to 385 properties on the 01/02/2017.

Two site notices were displayed on 22/03/2017.

Press notice advertised on 30/03/2017.

Due to changes to the proposal (details of which are discussed in the main body of the report) neighbours were re-consulted on the 04/12/2017.

Two site notices were displayed on the 06/12/2017.  
A press notice was advertised on the 04/12/2017.

## Objections

To date 21 objections have been received that have raised the following concerns:

Objection	Response
<b>Loss of retail units and harm to high street</b>	
Loss of existing affordable retail units.	The affordable units were implemented as "meanwhile" uses of spaces that were previously vacant. There is no planning obligation to maintain them as affordable retail uses and they could revert to full price retail units at any time. New retail units are proposed within this scheme.
The net loss of retail space would harm the high street.	This is discussed in paragraph 11 (below)
<b>Student Accommodation</b>	
Student accommodation would not be practical in this location, and would represent a transient population.	The site is located within a town centre with good access to public transport and is considered to be an acceptable location.
Student accommodation does not meet the definition of affordable housing and local need has not been demonstrated.	In line with London Plan policy, a planning obligation is recommended to secure affordable student accommodation by means of a viability review mechanism should a single educational provider not be brought on board. The applicant has demonstrated that there is a London wide need for student accommodation, again meeting relevant policy.
Local businesses need trade and student accommodation does not seem compatible with that.	The proposal would provide five additional retail units to the area and students would also contribute to existing local businesses and facilities in the area.
<b>Planning Application in 2013</b>	
A resident has raised concerns that a planning application in 2013 for 34 residential units was refused on the basis that the density would exceed London Plan and Brent Council recommendations. The density of the current proposal would exceed the density of that scheme.	The application in 2013 was withdrawn and a decision was not made. However the London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play. In this case the site is located within a town centre with good transport links and would provide a well-designed building and is therefore considered to be acceptable based on the number of habitable rooms proposed.

<b>Parking and Servicing</b>	
Impact on parking and servicing.	A parking permit restriction for future occupants would be secured. Servicing would take place to the rear of the site (see paragraph 37-38) and is considered to be a suitable and safe arrangement.
Impact on refuse services.	The impact on refuse services is considered to be acceptable and has been assessed by Transport and Planning officers - see paragraph 36.
Service vehicles accessing road beside Electric House would cause disturbance.	Service vehicles for the proposed development will share the service yard for the adjoining building (Electric House - see paragraph 36-38). A delivery and servicing plan is also to be secured by condition.
<b>Impact on Conservation Area</b>	
Overdevelopment of the site and impact on character of conservation area, and the density is too high	The scale of development is considered to be acceptable and the proposal would preserve and enhance the conservation area - see paragraph 27-31
The development bears no relationship to the local vernacular.	The proposal is a modern take on buildings in the area and is considered to be acceptable.
The demolition of the existing buildings would be detrimental to the conservation area	The existing buildings do not make a particularly positive contribution to the character of the Willesden Green Conservation Area, by reason of their single storey scale and the lack of traditional shopfront details as such the demolition of these is acceptable provided the replacement building is of an acceptable design.
<b>Neighbouring Amenity</b>	
Loss of light, overlooking and impact on residential units/communal space of Electric House.	The proposal would not unduly harm the amenity of neighbouring residents. Further details are contained in the 'Neighbouring Amenity' section of the report, paragraphs 16-26.
Noise and disturbance from students.	A student management plan would be secured by condition to limit disturbance to neighbouring residents.
Disturbance during construction work.	Noise and disturbance are primarily covered under Environmental legislation. However due to the scale of development and proximity of residential properties officers have recommended that a Construction Method Statement is secured by condition to mitigate against disturbance.



Increase in pests from higher number of people.	A management and servicing plan will be secured by condition to ensure that rubbish is stored and collected properly.
Inaccuracies in the Daylight/Sunlight report.	The applicant has submitted a revised Daylight/Sunlight report following requests from officers. The revised report is considered to be acceptable.
Failure to provide a scaled sectioned drawing.	All drawings submitted are to scale.

Cllr Long has objected to the proposal and raised the following points:

<b>Objection</b>	<b>Response</b>
There is a shortage of housing in Brent and student accommodation is not needed in Brent.	The applicant has demonstrated that there is a London wide need for student accommodation. The site allocation, which also includes Electric House, gave an indicative capacity of 17 residential units. 25 units have been delivered in Electric House. The combined sites therefore will not underdeliver housing when compared to the allocation.
The clock of Electric House was a temporary feature that was meant to be relocated onto the proposed building. Views of the clock would be obscured.	The clock would still be visible from Willesden High Road and Willesden Lane. Views to the clock are not a material planning consideration for this scheme.
What will the retail space in the basement be used for?	The space in the basement is proposed for storage and servicing ancillary to the retail units.
Is the bin storage sufficient and what arrangements are in place to control dumping? Will the management be paying the bulky item charge or will students be responsible.	The bin storage is considered to be sufficient and a servicing plan would be secured by condition. The bulky item charge would be a matter for the applicant and is not a planning consideration.

### **Support**

Cllr Jones has provided the following comments:

- Height acceptable when compared with other tall buildings in Walm Lane: Erin Court, Rutland.
- Frontage: would support a mix of shop sizes, perhaps to include very small retail units.
- Hope pavement space in front could continue to hold occasional "events".
- No car permits agreed but needs to be clear how shops would be serviced.
- Retain trees and bus stop location
- Approve of red brick. Entrance attractive.
- Clock on Electric House, from Electric House application: The clock would work well if relocated to

the Queens Parade roof.

To date 46 identical signed letters of support from local residents have been received. The main points from the letter are the following:

- The existing buildings do not make best use of the site
- The proposal will boost the local economy
- The new retail units will improve the Willesden town centre
- The height is suitable
- The changes to the public realm will make this part of the shopping area more attractive and will help the area

In addition to the letters of support four comments supporting the proposal have been submitted. The main points are the following:

- The view of Electric House clock will be maintained
- Westminster University would be good to approach as they have a site in Baker Street
- Red brick should be used and the shop frontages should conform to the design guide, landscaping should extend to the building by providing a green roof or wall and bird boxes
- Support the idea of flexible shop space
- Alternative accommodation should be found for the existing retail tenants in empty space along the High Road
- One of the spaces should be used as a technical hub with café for use by students and local people
- The area is in need of investment and regeneration
- The public realm improvements will help the area

A letter of support was received from the Head of Operations of Meanwhile Space CIC stating that the applicant has worked with them to provide space for start-up businesses. However the experience of the start-up businesses is that this particular side of Walm Lane does not benefit from the same level of footfall found on the opposite side of the road.

## **POLICY CONSIDERATIONS**

Development Plan:

London Plan consolidated with alterations since 2011 (March 2016)  
Development Management Policies, London Borough of Brent (2016)  
London Borough of Brent LDF Core Strategy 2010

Other material planning considerations:

NPPF (2012)  
Supplementary Planning Guidance 17 'Design Guide for New Development' (2002)  
Waste planning guide  
Mayor's Housing SPG

## **DETAILED CONSIDERATIONS**

**Background and Context**

1. The application site is part of a Site Specific Allocation (SSA) known as 28 Queen's Parade/Electric House as designated in the Site Specific Allocations Development Plan Document (DPD). The allocation was for mixed use retail and/or food and drink uses with residential above with the indicative residential development capacity set at 17 residential units. The low density was guided by the existing 1 to 3 storey context and the location of the site in a conservation area. The development approved on the neighbouring site Electric House achieved a much higher density than anticipated by the SSA with 25 units that have been constructed and are occupied.

### **Amendments since submission**

2. The ground floor of the proposal has been revised so that the entrances of all of the retail units occupy the primary frontage of the site. The student accommodation entrance would now be located adjacent to the service access route. The number of student rooms has been reduced from 120 to 117. The height of the building at the rear of the site has been reduced. Angled windows and obscure glazing have been proposed for the rear of the building to prevent overlooking to Electric House.

### **Principle**

#### SSA and the principle of Student Accommodation

3. As previously discussed the site forms part of a SSA that was originally identified for mixed use redevelopment for retail and/or food and drink with residential above and also improvements to the public realm along the pavement frontage. However this was for the entire site including both Queens Parade and the area that now consists of Electric House. The SSA for the site requires that the ability to redevelop both sites is considered and the Council previously encouraged both site owners to work together to produce a joint proposal for both sites. However despite efforts to do so this has not happened and only the Electric House part of the site has been developed to date. An application for a part residential part commercial development at the Queens Parade site was submitted in 2013 but was subsequently withdrawn later that year by the applicant as it was recommended for refusal by officers. One of the key reasons that the application was to be recommended for refusal was the standard of accommodation that would be offered to residents. This centred on the fact that the building if constructed would be largely north facing and residents would have poor access to sunlight. This is in part why the applicant has proposed to construct student accommodation as this type of accommodation is more temporary in nature with students only living there for nine months of the year. Consideration has also been given to the fact that the SSA originally envisaged 17 residential units across the entire site including the Electric House site. However 25 units have been constructed there and are occupied thereby exceeding the original target of 17. Therefore the main consideration in the acceptability of the principle of the development is the suitability of student accommodation at the site and also the impact on the Willesden Town Centre.

#### Student Accommodation

4. London Plan policy 3.8 sets out the need for housing choice to meet Londoner's requirements in terms of affordability, size and type. As far as student housing is concerned point (h) states that *strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with stakeholders in higher and further education and without compromising capacity for conventional homes*. Brent has and is providing a significant amount of student accommodation in Wembley and has been supportive of this use particularly where there has been a large amount of development contributing towards the London wide need.

5. DMP20 states that in the case of accommodation with shared facilities or additional support there are four clear criteria that must be met:

- a) located in an area with good access to public transport and other amenities, including shops (normally within 400m)
- b) is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/care and mobility;
- c) includes management arrangements suitable to its proposed use and size;

- d) demonstrates that there is a specific Brent, or in the case of education a London, need for the particular use which are secured by planning agreement relating to use of the land or to its occupation by members of specified educational institutions;

6. In terms of criteria a) the site has a PTAL of 5 and is located just over 200 metres away from an underground station and there are also regular bus services. This would provide access to numerous higher education institutions within approximately 40 minutes journey time from the site. The site is also located within a town centre consisting of numerous facilities and amenities that students could avail themselves of.

7. With regard to criteria b) the proposal would provide a good standard of accommodation. Although there are no specific standards for student accommodation all of the rooms would have internal areas of between 14 and 28 sqm exceeding 11.5 sqm which is considered to be the minimum size that is acceptable for a double bedroom as per the Technical Housing Standards. The building would provide an on site laundry facility within the basement that students could avail of themselves of. There are a larger number of units per core than would normally be acceptable for a residential development however due to the fact that this is a proposal for student accommodation it is considered acceptable.

8. With regard to criteria c) the applicant has stated that the operator would provide management arrangements. It is recommended that a student management plan is secured through condition to ensure that potential disturbances caused to neighbouring residents are minimised. The plan should include details of management and co-ordination of deliveries to the site, the process for assisting students in moving into/out of the premises at the start/end of the academic year, the pre-booking of arrival times and staff resourcing to assist this and management measures to address any noise and disturbance associated with the student use to address any potential late night/early morning noise and nuisance.

9. With regard to criteria d) London Plan policy 3.8 and DMP20 (d) require proposals for Student Housing to demonstrate that there is sufficient need for the proposed accommodation. A Student Marketing Demand Report has been submitted with this application which has found that student numbers have been increasing in recent years in London from students within the UK but outside London and also due to a large influx in the numbers of overseas students. The report has also provided a detailed demand and supply analysis of the student to bed ratio (SBR) in London. This analysis has found that the SBR is higher than the national average and based on the current number of beds available demonstrates that there is a London need for student accommodation to meet the needs of the increasing student population. Based on this assessment officers consider that the proposal would meet a London need and fulfil the criteria of DMP20 (d). The London Plan also supports a more dispersed distribution of accommodation in accessible locations away from the areas of greatest concentration in central London and secure accommodation that is more affordable. The applicant has submitted a letter from a student management company who works with a number of higher level institutions. While no specific educational provider is currently affiliated with the proposed development, a Section 106 clause will be sought in order to achieve this. In the event that no single educational provider is brought on board a viability review mechanism will be used in order to secure affordable student accommodation, in line with the aspirations of the London Plan.

10. A condition is also recommended to restrict the use of the accommodation so that it can not be occupied other than by full time students enrolled on UK accredited and based further education courses for not less than 39 weeks of the year. The remaining time, (outside term time,) the Council is content that the units may be rented out on short-term lets, perhaps assisting tourism within the summer vacation period.

#### Willesden Town Centre

11. The site is located within the primary shopping frontage of Willesden Town Centre. The existing parade of shops consists of 12 units with a gross internal area (GIA) of 590sqm. The proposal will result in a decrease in retail floorspace from an existing GIA of 590sqm to 298sqm resulting in a loss of 292sqm. This loss occurs as a result of the need to provide an entrance lobby for the student accommodation and core access to the floors above. The loss is also due to the creation of a purpose built off street servicing area to the rear of the site which is considered to be an improvement on the current situation in terms of highway safety.

12. The existing units currently provide temporary retail space for start-up businesses on short term leases through Meanwhile Space which is a community interest company. A letter of support has also been received from Meanwhile Space which has stated that the applicant who owns the units has worked closely with and supported the aims of the organisation to date. However the experience of start-up companies using Queens Parade is that this side of Walm Lane does not currently benefit from the level of footfall found on the other

side of the road. Although the reduction in units may lead to a slight contraction in footfall this is likely to be offset by the increased number of students on this side of Walm Lane. Meanwhile Space have also stated that the proposed scheme would create fit for purpose commercial units that tenants could grow into in the future which may also contribute to increased footfall. Although the units currently provide space for local start-up businesses there is a good deal of vacancy within this part of the borough and specifically within Willesden Green which could accommodate start-up businesses in the future.

13. The proposal would result in the creation of five retail units within the primary shopping frontage of Willesden Town Centre. The current arrangement between the applicant who owns the parade of shops and Meanwhile Space who provide the short term leases is a temporary one whilst the applicant has sought to develop the site. Paragraph 3.7 of DMP2 states that 'meanwhile use' is temporary use of vacant buildings for a socially beneficial purpose until such a time that they can be brought back into commercial use again. In this case the existing units have provided valuable start up space for local businesses but there is now a desire to bring them back into normal commercial use by the applicant which is also supported by Meanwhile Space who currently provided the leases to companies.

14. Due to the temporary nature of the existing arrangement and the fact that the site is located within Primary Shopping Frontage of Willesden town centre the principle of replacing the existing units with five purpose built retail units is considered to be acceptable and accords with the aims of the Local Plan in terms of supporting town centres.

15. The principle of student accommodation and five retail units at the site is therefore considered to be acceptable and complies with Development Management Policies DMP2 and DMP20.

### **Impact on neighbouring amenity**

16. The development would not result in undue material harm to the living conditions of adjoining and nearby residents for the reasons set out below.

17. Residential units are located directly to the north of the site in the upper floors of the properties along Walm Lane; to the east of the site in the form of Rutland Park Mansions which is a four storey residential building; Electric House to the south-east of the site, which is a seven storey residential building; and the upper floors of the properties that run along Willesden Lane to the south and south-west of the site.

### Mass

18. The existing parade of shops stand at one storey high and the proposed building would see an increase to a part 6/7/8 storey building which is a significant increase. However due to the separation distances between the proposed building and the residential units on Walm and Willesden Lane it is not anticipated that the building would appear overly dominant when viewed from these locations. With regard to Rutland Park Mansions to the east of the site, the front and rear building lines would be level with the existing building lines and the proposed building would also be set in by 9 metres from the existing side elevation. There are also no habitable room windows located in the side elevation of Rutland Park Mansions.

19. Electric House, the recently constructed building to the south/south-west of the site, consists of 25 self-contained units in an 'L' shaped building that surrounds a communal courtyard. A number of residents have raised concerns about an increase in mass and the potential that this could have on existing windows and communal/private amenity space. Habitable room windows are located on the northern side of Electric House as well as balconies. Consideration has been given to the increase in mass that residents of Electric House would experience. However a gap of 10 metres would be maintained between both sites (where the are sole habitable room windows of rooms in Electric House) and the applicant has also reduced the height of the proposed building adjacent to the north side of Electric House. Due to the design of Electric House the units most likely to be affected are dual aspect with their primary outlook to the east and not towards the application site. A resident has raised concerns with the mass of the building and the fact that the top of the six storey part of the proposed building would exceed the 30 degree guidance line at 34 degrees when measured at a height of 2 metres. Whilst it is acknowledged that there would be a slight failure here this would be to secondary windows with the primary outlook of the living areas of these units maintained to existing levels due to the orientation of the building.

20. Consideration has been given to the fact that there would be an increase in mass close to the communal amenity space area of Electric House which would result be a slight loss of light and increased sense of enclosure due to the fact that the area would be surrounded by quite high walls on each side. However consideration has been given to the fact that this area is communal and all residents would still have access to their own private balcony and amenity space. Therefore on balance it is considered to be acceptable.

### Daylight/Sunlight

21. Originally the applicant submitted a Daylight/Sunlight report that was prepared by their in house team. However officers requested an independent assessment which was subsequently submitted. The revised report prepared by Malcom Hollis has assessed the potential impact that the proposal could have on all properties surrounding the site.

22. A resident of Electric House has raised concerns with the loss of Daylight/Sunlight to their properties and specifically the open plan living, kitchen and dining rooms. This is primarily based on the VSC and ADF assessment which a resident has raised concerns with due to the reduction in VSC and the fact that the ADF assessment has not provided an assumption for the reflectance of room surfaces within the rooms of Electric House. However, with regard to both of these tests, this just formed two individual parts of an overall Daylight/Sunlight assessment which consisted of numerous tests as per the BRE guidance.

23. The Daylight/Sunlight report has identified that there would be some loss of light to some of the residential units on the north-western side of Electric House. The units on this side of the building consist of a 1B2P flat on the first floor and two 2B4P flats located on the second and third floor respectively. These units consist of a dual aspect living room with the primary outlook to the north-east and secondary outlook to the north-west. The units on the second and third floor each have a balcony that is north-west facing. There is also a bedroom on each floor with outlook to the north-west. The report acknowledges that there would be some loss of light to each unit and their balcony. However daylight distribution results show that due to the fact the units are dual aspect they would still meet BRE targets. The bedrooms are set within re-entrant corners that are shaded by the projecting walls and balconies and already experience some loss of light. The orientation of the building and the flats on the northern side also limit access to sunlight already.

24. Consideration has been given to the findings of the report and also to the layout of the units that would be affected. Although it is acknowledged that there would be some loss of light, consideration has been given to the fact that the primary living areas of each unit are dual aspect and the primary outlook is to the north-east and away from where the proposed development would be located. Taking this into account it is considered that the proposal would not materially harm the amenity of residents and is considered to be acceptable.

### Overlooking

25. SPG17 generally requires 20 metres separation distance between habitable room windows. Due to the separation distances between the application site and the units on Walm and Willesden Lane of 20 and 25 metres respectively, and the fact that this would be across a public highway, there are no concerns with undue levels of overlooking in this location.

26. As previously discussed there are habitable room windows that overlook the site from Electric House where a number of residents have submitted objections concerning overlooking. The rear of the application building would have windows that overlook the balconies and habitable rooms of Electric House at a distance of 10 metres. However the applicant has proposed the use of a mixture of obscure glazed and angled windows to ensure that overlooking does not take place towards Electric House. This is considered to be an acceptable approach and addresses concerns that neighbouring residents have raised.

### **Character, design and impact on conservation area**

27. The existing building is a single storey terrace in use as commercial units within the Willesden Green Conservation Area. The building is constructed in red brick with a front parapet wall capped with a concrete coping stone. The shopfronts have some traditional features with the high stall risers and pilasters with prominent corbels. The single storey building and shop fronts do not share the distinctive characteristics of the shopfronts and buildings which define the Willesden Green Conservation Area. The existing buildings do not make a particularly positive contribution to the character of the Willesden Green Conservation Area, by reason of their single storey scale and the lack of traditional shopfront details as such the demolition of these is acceptable provided the replacement building is of an acceptable design. The SSA also encourages redevelopment of the site with a more intensive and better use of land, therefore arguably supporting and anticipating the demolition of the existing row of single storey units.

### Scale

28. The scale of development at the site has been established by the development at Electric House which is a part 4/6/7 storey building with the tallest part located adjacent to the application site. The neighbouring building, Rutland Park Mansions to the north-east, has a height of four storeys. The proposed building would have a six storey height with a mansard style feature adjacent to Rutland Park Mansions which is considered

to be acceptable in terms of scale as it would not appear overly dominant. The building would then step up to a height of seven storeys and then to a height of eight storeys at the corner of Walm Lane and Willesden Lane, before stepping back down to seven storeys adjacent to Electric House. The gradual step up from six to eight storeys with the highest point at the corner of the site is considered to reduce the overall bulk of the building whilst creating a stand out feature at the prominent corner of the site. The overall scale of the building is considered to be sympathetic to the existing buildings and acceptable in the context of the surrounding buildings and conservation area.

### Design

29. The design of the building in terms of materiality and detail has sought to take cues from the neighbouring Rutland Park Mansions building without mimicking its exact style. The mansard roof would offer a contrast to the red brick façade and detail of the bays below. The corner element of the building would contain a stepped and faceted frontage which is considered to be suitable for the buildings prominent location. This would also help to break up and create an interesting building. The design would also offer a good contrast to the banded appearance of the neighbouring Electric House building.

30. The ground floor of the building would have slightly higher floor to ceiling heights and traditional elements such as stone cornices that would provide a distinction between the retail element and student accommodation above. The materials proposed would be reconstituted stone, zinc and brick which are considered to be acceptable in principle. However due to the sites location within the conservation area, a condition is recommended which requires further details of materials including samples to be submitted.

31. Overall the scale and design of the building are considered to be acceptable and would help to preserve and enhance the Willesden Conservation Area.

### Improvements to public realm

32. As part of the application improvements are proposed to the public realm on the corner of Walm Lane and Willesden Lane. These would include replacement trees, street furniture and a new surface. This is welcomed and is a key aim of the SSA. The Council's Landscape and Design Team have also confirmed that the existing trees are too large for this particular location and it would be beneficial to replace them with more suitable species. Officers therefore recommend that the works are secured as part of the s106 agreement to include a financial contribution and s278 agreement for the highway works.

## **Parking and Servicing**

### Parking

33. Car parking allowances for the proposed development are set out in Appendix 1 of the DMP 2016. Retail units are permitted up to one space per 50-100m<sup>2</sup>, depending on whether they are food or non-food outlets, giving a total allowance of 5-10 spaces for the ground floor/basement retail space. With no off-street car parking standards are complied with. Car-borne visitors to the retail units would be able to make use of pay and display bays along Walm Lane if they so wish, although the good access to public transport means the site is readily accessible to staff and customers anyway without requiring a car. A CPZ operates in the surrounding area to prevent overspill parking by staff in residential streets. Students are not eligible for parking permits for the local CPZ as they are not permanent residents. However, to ensure they are properly notified of this, a 'car-free' agreement would be secured by condition which has been acknowledged by the applicant.

34. The London Plan requires a secure bicycle parking space to be provided for every two students and the proposed provision of 60 spaces (44 on a double-height stacker) in a secure storeroom in the basement meets this requirement. Lifts, including a large goods lift, will be provided to allow bikes to be taken down to the basement in comfort.

35. Long-term storage for four bicycles for retail staff is also required though, so space should be identified for two 'Sheffield' stands, alongside the rear service access route. For short-term storage, three spaces are required for the student accommodation and a minimum of five spaces for the retail units. It is proposed that five stands (ten spaces) be provided within the public footway on the Willesden Lane frontage to meet this requirement. These need to be new spaces though, rather than simply a relocation of the five existing stands

that currently front the building. Therefore further details of cycle storage will be secured by condition.

### Servicing

36. Bin storage is proposed in the basement, with a goods lift provided to allow the management company to bring bins up to the rear service alleyway on collection days. This arrangement is considered to be acceptable and there is space for a refuse vehicle to stand clear of the bus stop clearway and signalised junction on Willesden Lane when collecting bins.

37. For other deliveries to the shop units, the S106 Agreement attached to the development of the adjoining site at 296 Willesden Lane (ref: 13/1428) included a requirement to allow shared use of its service yard for future development on this site. A passage was therefore provided between the service yard and the rear of this site and a gate is proposed from that passage to the rear service alley for these shops. As such, off-street servicing for the units fronting Walm Lane is secured and the proposal should thus have no adverse impact from delivery vehicles standing in the bus stop fronting the site.

38. A Delivery and Servicing Plan (DSP) is also suggested for the site, which would be welcomed in terms of helping to co-ordinate deliveries and improve efficiency. Although the amount of student accommodation proposed is not huge, the limited options for unloading goods within and around the site mean that the DSP should also set out arrangements for making the moving of belongings into the student flats at the start of the academic year as easy as possible.

39. To this end, the submitted Transport Statement sets out a procedure for receiving students at the start of the academic year, with Welcome packs provided to give logistical information on the moving in process and a booking system to allocate specific 30-minute timeslots for arrival (generally at weekends). Additional staff are also proposed to be on hand to assist with moving students in and a ground floor temporary storage area will be provided to allow belongings to be unloaded from the vehicle more quickly. These measures are welcomed and should be incorporated into the DSP.

40. A Travel Plan has also been submitted for the development, despite its fairly modest size and the absence of any off-street parking, which would immediately largely eliminate car use. The main target is therefore to increase cycling as a means of travel from a baseline of 4% of trips to 9% of trips. A Travel Plan Co-ordinator will be employed to manage the Travel Plan, which will include the provision of information on transport options through a Welcome Pack and notice boards. Monitoring of the success of the Travel Plan is to be undertaken for five years from first occupation, in accordance with standard practice. Whilst the Travel Plan measures are welcomed, the securing of a full Travel Plan is not considered entirely necessary, so a simple commitment to employ the measures as set out can be secured through a planning condition, without any need to undertake future monitoring.

41. The Transport Assessment has otherwise assessed the likely trips to and from the proposed student flats in the absence of the Travel Plan, based on comparisons with other student residences within London. This concludes that the development would generate 1 arrival/15 departures during the morning peak hour (8-9am) and 11 arrivals/7 departures during the evening peak hour (5-6pm). With 100 buses and 50 Underground trains passing close to the site each hour, these volumes are not considered large enough to have a noticeable impact on any particular bus or Underground service, particularly as the halls are not proposed to be affiliated to any particular College or University.

42. Finally, the application proposes the resurfacing of the footway fronting the site in high quality materials, plus the re-siting of five existing bicycle stands and the provision of new seating, soft landscaping beds around the street trees and improved lighting. The proposals to enhance the appearance of this area of highway are welcomed in principle and should also consider removal of much of the extensive guard railing along the site frontage. A S278 Agreement to work within the public highway will be required for these works and final design and construction details will need to be agreed through that process.

### **Energy and Sustainability**

43. As student accommodation is not technically residential accommodation the zero carbon policy as per the



Mayors Housing SPG would not apply as it is covered under Part L2A (non-domestic) of the Building Regulations. However the non-domestic target of 35% improvement over Part L 2013 would apply to the building in order to comply with policy 5.2 of the London Plan. In this case the applicant has submitted an Energy and Sustainability Statement in support of the application. This statement confirms that the proposal would achieve a 41.05% reduction thus complying with London Plan policy 5.2.

44. The applicant has also submitted a BREEAM pre-assessment. A rating of Excellent is normally sought for non-residential development within the borough. At this stage it is envisaged that a proposed score of 74.34% could be achieved, which corresponds to a BREEAM rating of Excellent.

## **Environment**

### Noise

45. Due to the proximity of the road and the fact that the site is located within a commercial/residential area there are a number of existing noise sources that need to be taken into account. In addition there are a number of new noise sources that would be introduced to the area as a result of the development. As such environmental health officers have recommended that a noise assessment is secured by condition. This is often required with the initial application for planning permission, but as the residential units would be above ground floor and as the adjacent public highway is significant, it is considered acceptable in this instance to require this via condition.

### Air Quality

46. The application site is located within an air quality management area and near to a busy road. Due to the size of the development proposed an air quality impact assessment would be required to assess potential emissions. This assessment would need to include the impact of building works, the operation of the development and the impact on local air quality for future/local residents as well as mitigation proposed. Officers recommend that this assessment is secured by condition which is considered acceptable for the same reasons as outlined above in paragraph 45 above.

### Contaminated Land

47. The area to the rear of the site has been highlighted as being potentially contaminated. Therefore environmental health officers have recommended that contaminated land conditions are secured to ensure that it is adequately dealt with.

### Construction Noise and Dust

48. Due to the proximity of existing residential developments environmental health officers have recommended that a Construction Method Statement is secured by condition. This should include measures to control dust, noise and other environmental impacts.

## **Conclusion**

49. The site is part of a Site Specific Allocation that originally envisaged the Queens Parade and Electric House sites coming forward together as a mixed use development consisting of retail/residential units. This however did not happen and the neighbouring Electric House development has been built and includes 25 self-contained flats. Consideration has therefore been given to the fact that the Electric House development has surpassed the original SSA target and also to the difficulty in providing residential units in the Queens Parade site due to its orientation.

50. The proposal would provide good quality student accommodation within an area that is well served by public transport and that is within a town centre that would offer students good local facilities. The accommodation would have management facilities in place that would be secured by condition. It has been demonstrated that there is London wide need for student accommodation and that there is an aspiration in the London Plan to move student accommodation away from Central London to other accessible locations.

51. The proposal would also provide five retail units within Primary Shopping Frontage of the Willesden Town

Centre and contribute towards the town centres vitality and viability. Although there would be a reduction in the overall amount of retail floorspace this would be due to the need to provide a core for the student accommodation and also to provide off-street servicing, and they would be high quality and modern units. In addition to this the existing tenants and management company have provided evidence and a letter of support for the proposal based on the fact that the existing 12 units are considered to be quite small and would be replaced by five more modern and purpose built units with basement storage that would improve this area of the High Road.

52. The building as designed would preserve and enhance the Willesden Conservation Area whilst improvements are also proposed to public space in front of the site which was originally a key aspiration of the SSA. The proposal would not materially harm the amenity of neighbouring residents.

53. Taking these factors into consideration the application is recommended for approval subject to conditions and the s106 legal agreement.

**CIL DETAILS**

This application is liable to pay **£941,530.45\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 583 sq. m.  
 Total amount of floorspace on completion (G): 3818 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Shops	641		543.120743 844945	£40.00	£35.15	£30,356.57	£26,675.84
Sui generis	3177		2691.87925 615506	£200.00	£35.15	£752,284.11	£132,213.93

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
<b>Total chargeable amount</b>	<b>£782,640.68</b>	<b>£158,889.77</b>

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

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

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



**DECISION NOTICE – APPROVAL**

Application No: 17/0322

To: Mr Dodd  
HTA Design LLP  
106 - 110 Kentish Town Road  
London  
NW1 9PX

I refer to your application dated **20/01/2017** proposing the following:

Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of 298sqm providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation, and use of basement level to provide retail warehouse floorspace of 243sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level

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

at **1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT**

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: 02/03/2018

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**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:-

NPPF  
London Plan (2016)  
Brent Core Strategy (2010)  
Brent Development Management Policies (2016)  
Brent Site Specific Allocations (2011)

- 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):

QPW 100  
QPW 101  
QPW 102  
QPW 103  
QPW 104  
QPW 200 B  
QPW 201 A  
QPW 202 B  
QPW 203 F  
QPW 204 E  
QPW 205 A  
QPW 206 A  
QPW 207 A  
QPW 208  
QPW 209  
QPW 210 A  
QPW 211 B  
QPW 212 C  
QPW 213 D  
QPW 214 A  
QPW 220  
QPW 221  
QPW 222  
QPW 223

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

- 3 The Travel Plan hereby approved (prepared by Vectos dated February 2017) shall be implemented in full from first occupation of the development.

Reason: To minimise the impacts of the development on the highway.

- 4 The student accommodation hereby approved shall be occupied by Students for a period of not less than 39 weeks in any year unless otherwise agreed in writing by the Local Planning Authority. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education

institution for not less than 80 % of the course time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation meets an identified need and contributes towards a balanced community.

- 5 The 'Service Access Route to Retail' as shown on approved drawing QPW 200 B shall be constructed and made available for use prior to the first occupation of the residential units and maintained clear of obstacles thereafter.

Reason: To ensure that the impact on the public highway is acceptable.

- 6 Details of materials for all external work, including samples which shall be made available for viewing on site or in another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 7 A Noise Report to include a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition, site clearance and below ground works). The scheme shall demonstrate that the student rooms and units will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal and external noise levels:

Time	Area	Max noise level
Daytime Noise 07:00 – 23:00	Living rooms and Bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8 hr) 45 dB Lamax

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

Reason: To obtain required sound insulation and prevent noise nuisance

- 8 Details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to the installation of any satellite dish. The television / satellite dish systems shall not be installed other than in accordance with the approved details.

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

- 9 Prior to first occupation of the development confirmation from the Building Regulations body to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010 (as amended) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

- 11 Prior to the commencement of development (excluding demolition, site clearance and the laying of foundations) further details of the impact of the development on air quality and the impact of air quality on the development shall be submitted to and approved by the Local Planning Authority and shall include any mitigation measures proposed and an air quality neutral assessment. The approved details shall be implemented in full prior to first occupation and retained for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and having regard to the fact the site lies in an Air Quality Management Area and has the risk to increase poor air quality.

- 12 Prior to first occupation of any part of the building hereby approved details of a Delivery, Servicing and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Management Plan shall include the following:

- i) Management and co-ordination of deliveries to the site;
- ii) The process for assisting students in moving into/out of the premises at the start/end of the academic year;
- iii) The pre-booking of arrival times and staff resourcing to assist this;
- iv) Management measures to address noise and disturbance associated with the student use addressing potential late night/early morning noise and nuisance.

The approved details shall be implemented in full for the lifetime of the development.

Reason: To minimise the impacts of the development on the highway and neighbouring residents.

- 13 (a) Prior to the commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an

unacceptable risk to any identified receptors

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors

- 14 Prior to the commencement of relevant drainage works full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason: To ensure the development meets the requirements of London Plan Policy 5.13 Sustainable Drainage.

- 15 Prior to the occupation of development hereby approved, further details of cycle storage for a minimum of ten cycles in the form of five "Sheffield" stands for short term use for the student accommodation and retail units shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to any occupation of the development.

Reason: In the interest of promoting sustainable transport

## INFORMATIVES

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

on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

- 3 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.
- 6 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at [Mark.O'Brien@brent.gov.uk](mailto:Mark.O'Brien@brent.gov.uk), and include photographs showing the condition of highway along the site boundaries.
- 7 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
  - (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings
- 8 The applicant is advised to ensure that demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
- 9 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30  
Saturdays – 08.00 to 13.00  
Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.
- 10 **STRUCTURAL INTEGRITY**

The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.



For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

#### 11 LICENCES

The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before: (i) erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway; (ii) depositing a skip; or (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

#### 12 HIGHWAYS

The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include: (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways; (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips); (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order; (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway; (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site; (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

#### 13 VIBRATION

The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage: (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.

#### 14 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

15 The Council recommends that the maximum standards for fire safety are achieved within the development.

16 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232