

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

13 February, 2019
04
17/5291

SITE INFORMATION

RECEIVED	12 December, 2017
WARD	Willesden Green
PLANNING AREA	Brent Connects Willesden
LOCATION	Willesden Green Garage, St Pauls Avenue, London, NW2 5TG
PROPOSAL	Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_137677</p> <p><u>When viewing this as a Hard Copy</u> _</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "17/5291" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

INTRODUCTION

This application was reported to the Planning Committee on 12th September 2018. Members were minded to refuse planning consent and deferred the application to the next planning committee meeting. This decision was made after officers suggested that it was appropriate that a report is presented to deal with their concerns and points of further clarification. This related to:

- The development's impact upon the living conditions of the adjoining occupiers due to the positioning and size of the development in relation to the neighbouring property to east, 75 St Pauls Avenue;
- The impact of the proposed development on views of the neighbouring Grade II Listed Building and the character of the area;
- The servicing arrangements, in particular, deliveries and to the new properties and the resultant impact on highway safety; and
- Concerns were also raised over the amount of affordable housing and the number of family sized units that were proposed.

Since the application was deferred the Agent contacted officers to discuss amendments that could be made to the scheme. Several alternative proposals have been tested, including a design to step the building down on the eastern side near the neighbouring property on St Pauls Avenue. Suggestions were also made to alter a section of road to create a servicing bay on the opposite site of St Pauls Avenue. Although these options were considered by the applicant, it has been confirmed that they no longer wish to amend the scheme and would prefer a decision to be made on the application as it was previously presented to the committee.

Officers continue to recommend that planning permission is granted. Although there are areas where the proposed development would not entirely comply with guidance, when considered on balance the benefits of the scheme would outweigh the negative aspects of the application.

Members can however choose what weight they consider should be given to the material planning considerations within the proposal and therefore could come to a different conclusion on these matters if they do not agree with the recommendation. The matters that members have expressed concern about have been discussed in this report.

Light received by the living room window of the neighbouring property

As discussed within the previous committee meeting, the living room window to the ground floor flat at number 75 St Paul's Avenue would lose daylight to an extent that is beyond the tolerances within the BRE guidance. The impact of the surrounding properties is a material planning consideration that should be afforded significant weight when determining applications, it is correct to balance the impacts and benefits of a scheme when concluding whether planning permission should be granted. The size and nature of the use of the affected room was discussed at committee, with members expressing concern that, whilst the room is small in comparison to the other habitable rooms in the flat, it is used as a living room and the impact therefore is on the living room of the flat. The impact on the daylight that would be received by this room would be significant (50 % of the former level when measured by "Vertical Sky Component". Officers continue to consider that it is important to consider the benefits of the development together with the quality of the remainder of the affected flat. The majority of the windows of the flat face the front and rear, and would continue to experience good levels of daylight. Granting consent would result in the provision of 70 new homes, including Affordable rent that could accommodate 9 families/households from the Council's waiting list, and 4 shared ownership homes. Officers acknowledge the degree of impact on the window of this flat, but considered the impact to be justifiable when considering the positive aspects of the application.

However, should members be minded to refuse planning consent due to the impact on this window, a potential reason for refusal is set out below.

The impact of the proposed building on views of the adjacent Grade II Listed Building and the character of the area

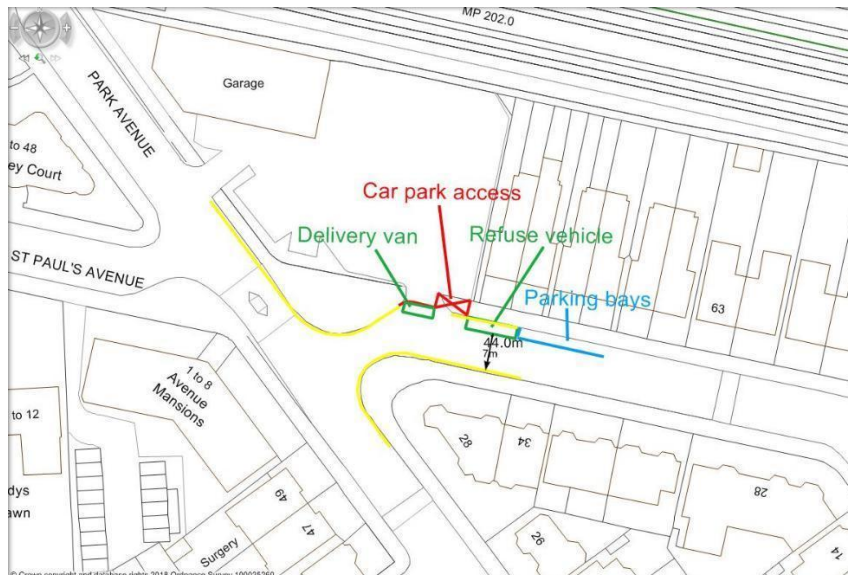
Members expressed concerns over the size, bulk and positioning of the proposed development and how this would impact on the character of the area, in particular views of Kingsley Court, the Grade II Listed Building to the west. It is agreed that the proposal would be viewed with this building and due to the scale of the proposal it would result in significant change to the appearance of the site and its context. Although visible within views from the east along St Pauls Avenue, it is not considered to be harmful to the overall setting of the Listed Building. In addition, the existing site does not make a positive contribution to character and appearance of the locality and it is considered that there would be some benefits in design terms. However, should members consider that the proposal will result in harm to the views to or setting of the listed building, a reason for refusal has been drafted.

Servicing and highways impact

Members expressed concern regarding the arrangement for servicing of the site and where vehicles would wait whilst deliveries are made.

The proposed servicing arrangements have been assessed in detail by the Council's Transportation Officer. As previously reported it is considered that the existing road layout has sufficient capacity to allow safe and convenient servicing of the proposed units. This assessment has been based on a review of TRICS data which is standard practice for transportation modelling and allows comparable existing scenarios to be used.

The Transport Officer has provided a plan to illustrate how servicing could take place using the existing road layout and confirmed that he would not support a proposal that involved a change to the layout on the opposite side of St Pauls Avenue. The plan below illustrates where a refuse vehicle and delivery van could stand on existing yellow lines adjacent to the site access if they were to arrive at the same time. There would still be sufficient of space (7m+) for two vehicles to pass each other along the street, as the overall width of St. Paul's Avenue is 9m+.



Officers consider that the servicing arrangements would not be prejudicial to highway flow and safety, and do not consider there to be a sound basis to refuse consent due to the impact of the proposal on these grounds. Nevertheless, a reason for refusal has been drafted in line with the members discussion at the last meeting.

Insufficient provision of affordable housing

Brent's policies require the provision of a minimum of 50% affordable housing, subject to viability.

In this case the applicant has put forward a viability assessment demonstrating that the viable maximum provision of affordable housing would be 18%. This assessment has been independently appraised and the offer has been based on a tenure split which is preferable to Brent residents, in that it would have a high proportion of affordable rent unit. The viability of the scheme has been robustly tested by experts in their field and the application would provide the maximum viable amount of affordable housing and therefore meets the policy requirements.

Should permission be granted (either by the Council or through an appeal), officers would require a Legal Agreement to test viability in the future and if the scheme were to become more viable, either payments would have to be made to the Council to fund affordable housing elsewhere or further affordable units would have to be incorporated into the development. This would be secured through a Section 106 legal agreement.

A draft reason for refusal based on the level of Affordable Housing has been provided later in this report. Should members agree that the scheme would deliver the maximum reasonable proportion of Affordable Housing but decide to refuse planning consent for other reasons, a reason for refusal would need to be incorporated due to the absence of a Section 106 legal agreement to secure the provision of Affordable Housing (including a late stage review mechanisms).

Lack of family sized units

The proposal would involve the provision of 19% of the units being family sized. Although this is below the borough wide (rather than scheme specific) target of 25% set out in policy, officers are mindful that the provision of more family sized units is likely to impact negatively on the viability of the scheme and therefore lead to a reduction of affordable housing. When considered on balance the provision of 13 family sized units rather than 17 is considered to reasonable and acceptable. Nevertheless, should members be minded to refuse planning consent on this basis, a draft reason for refusal is provided later in this report.

Other additional reasons for refusal

Should this application be refused, the proposal would not be accompanied by a Section 106 legal agreement to secure the obligations that are required to mitigate the impacts of the proposal, as listed within the Recommendations section of the main report. The provision of Affordable Housing and the review mechanism have been discussed above. Reasons for refusal would also be required in relation to the energy strategy, travel plan, parking permit restriction and the highways works. Reasons for refusal have been drafted in relation to these matters (again, see below).

Summary and draft reasons for refusal, should members be minded to refuse consent

As discussed above, officers continue to recommend that planning permission is granted for the development as currently proposed. However, if members consider that the application should be refused in its current form the following reasons for refusal are suggested based on the issues raised by members at the previous meeting.

1. The proposed development, by reason of its size and siting, would have an undue detrimental impact on the amenities of the occupiers of the adjoining building, 75 St Pauls Avenue, by way of an undue detrimental loss of light to the flank wall (living room) window. This is contrary to policy DMP1 of the Brent Local Plan Development Management Policies 2016 and Supplementary Planning Document 1;
2. The proposed development by reason of its size, siting and design would appear overly prominent and out of place when viewed from surrounding public and private vantage points, resulting in harm to the setting of and views to the neighbouring Listed Building (Kingsley Court). The proposed development would therefore fail to comply with policies DMP1 and DMP7 of the Brent Local Plan Development Management Policies 2016.
3. The proposal, by reason of the failure to demonstrate adequate arrangements for the

servicing of the building and proposed properties, having regard to the busy nature of the adjoining highway, is likely to result in conditions prejudicial to the free and safe flow of traffic on the surrounding highway network. This is contrary to Policies DMP1 and DMP12 of the Brent Local Plan Development Management Policies 2016.

4. The proposal would fail to provide the maximum reasonable amount of affordable housing which would be contrary to Core Strategy (2010) policy CP2 and Development Management Policy (2016) DMP15, policy 3.12 of the London Plan consolidated with alterations since 2011 (March 2016) and policies H5 and H6 of the draft London Plan.
5. In the absence of a legal agreement to control the matter, the development would result in additional pressure on servicing, parking demand and transport infrastructure to the detriment of the free and safe flow of traffic and pedestrians which would be contrary to Development Management Policies (2016) DMP1 and DMP12.
6. In the absence of a legal agreement to control the matter the proposal would result in additional carbon dioxide emissions within the borough in an Air Quality Management Area, without any contribution to carbon reduction measures in the area. As a result the proposal would be contrary to London Plan consolidated with alterations since 2011 (March 2016) policy 5.2, 5.3 and 7.14, Core Strategy (2010) policy CP19, Development Management Policy (2016) DMP1 and the Mayors Sustainable Design and Construction SPG (2014).
7. The proposal, by reason of the number of family sized (3 or more bedroom) homes, would fail to provide an appropriate mix of new homes to the detriment of the provision of housing to meet identified need within the Borough, contrary to of Development Management Policy (2016) DMP1 and Core Strategy (2010) Policies CP2 and CP21.

The original report for the application is as follows:

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. Energy Strategy
4. Travel Plan
5. Permit free agreement
6. Training and Employment
7. Affordable Housing including a review mechanism
8. Considerate Constructors Scheme
9. s278 highway works
10. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Sound insulation and noise reduction
4. Plant
5. Wheelchair accessible
6. Cycle/parking spaces


7. Vegetation clearance
8. Restriction on C3 to C4 use
9. Details of materials
10. Hard and soft landscaping plan
11. Mains water consumption
12. Air Quality
13. Drainage Strategy
14. Access to basement
15. Site investigation and remediation
16. Design and construction method for Network Rail
17. Piling and Excavation works

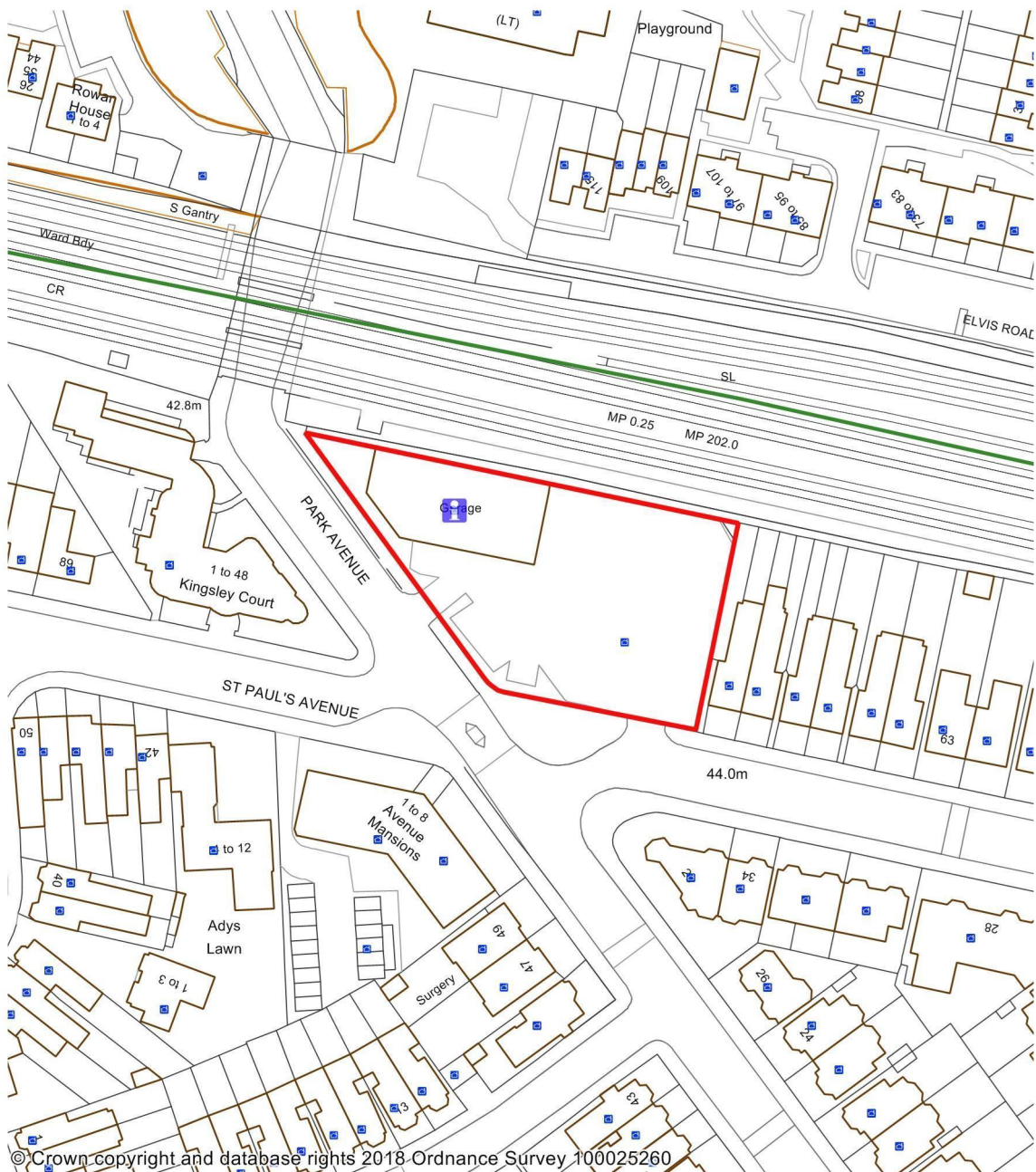
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied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

That, if by 12 December 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: Willesden Green Garage, St Pauls Avenue, London, NW2 5TG</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of the existing building that houses the MOT centre and the redevelopment of the site as a part seven part four storey building to accommodate 70 residential units. The 7th floor of the building would be set back from the front. The proposal would consist of a basement or lower ground floor level accessed via a ramp from St Paul's Avenue. All of the upper floors would consist of residential units. The lower ground floor area would consist of 16 disabled car parking spaces, cycle/refuse storage and plant. The proposal would include three communal amenity space areas at ground, third and fourth floor level.

The mix of residential units that is proposed is as follows:

	Private	Affordable Rent	Intermediate	Total
1-bed	28	5	2	35
2-bed	19	2	1	22
3-bed	10	2	1	13
Total	57	9	4	

EXISTING

The site previously consisted of a petrol filling station that has been demolished. The site currently consists of a building that is in use as an MOT centre and a car wash and car park. The site is located on the corner of St Paul's Avenue and Park Avenue North and a train/underground line is located to the north. The area is generally residential in character with Willesden Town Centre located 230 metres to the south of the site. To the west of the site and directly across the road is Kingsley Court which is a large Grade II listed, residential building built in the 1930s. The site is not located within a conservation area. To the south of the site there are a number of attractive mansion blocks from the Victorian era. To the east of the site there is a row of two storey, terraced properties that lead up St Pauls Avenue to Willesden High Street.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. 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: There is no objection in principle to the demolition of the existing MOT garage and the redevelopment of the site for residential purposes. Although the proposal would result in the loss of a Local Employment Site, it is within a residential area and the relationship to the surrounding residential uses is such that the continued use of the site for employment purposes would be likely to result in the disturbance of surrounding occupiers. The proposal would result in more efficient use of land in a sustainable location. The proposal would include a reasonable amount of family sized units and 18% affordable housing, which is the maximum reasonable amount of affordable housing the scheme can currently deliver. The proposal would also contribute to an improved streetscape and reduce an existing problem with flooding in the area. The principle of development is therefore considered to be acceptable.

Character and Appearance: The proposal is considered to have a high quality design that has regard to the character of its surroundings and to not inappropriately challenge or dominate surrounding development including the adjacent Grade II listed building.

Standard of Accommodation: The living conditions of future occupiers of the development would be acceptable and would meet the relevant standards.

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 although there would be a material loss of light for a small number of properties that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

Parking & Servicing: It is considered that the combination of the 16 parking spaces proposed and the use of a 'parking permit free' agreement secured by legal agreement would mitigate against parking concerns in the area. It is considered that the proposal would be adequately serviced by utilising the space on St Paul's Avenue.

Representations received: Objections were received from 75 local residents raising concerns regarding heritage & design, the impact on character, parking, flooding, neighbours living conditions, consultation, impact on local services, the amount of affordable/family housing and over development of the site.

RELEVANT SITE HISTORY

17/2904 – Granted

Retrospective application for change of use from garage (former petrol filling station) to MOT garage, car washing facilities and car sales

12/0247 – Granted

Variation of condition number 2 (plan numbers) to allow the following minor material amendment:

- The inclusion of 8 parking spaces (for the use of the garage business or in association with the servicing and management of the proposed residential building only) within the proposed landscaped area at the southwest corner of the development site

to the scheme granted by full planning permission 11/0051 dated 11/04/11 for the redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to Deed of Variation dated 3 May 2012

11/0051 – Granted

Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

10/0677 – Refused and appeal dismissed

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

CONSULTATIONS

Neighbour consultation letters were issued to 481 neighbouring properties on 21/12/2017. Following the receipt of amended plans neighbour consultation letters were issued to 503 neighbouring properties on the 02/07/2018. Site notices were erected on the 04/01/2018 and again on the 02/07/2018 following the receipt of amended plans. A Press notice was issued in January 2018 and June 2016 following the receipt of amended plans. To date 75 objections and two comments in favour of the proposal have been received, details of which are set out in the tables below:

Objection	Officer Response
<u>Design and Heritage</u>	
The building is too high at either eight or seven storeys	The height of the building is considered acceptable following the reduction in height from eight to seven storeys. When considering

	the surrounding context, reduced size and visibility of the upper floor and the space between neighbouring buildings, it is considered that the proposed height is appropriate.
Impact on character	The proposal is considered to be acceptable in terms of its design and impact on character. This is detailed further below.
Choice of materials should be red brick rather than grey	The choice of materials are considered acceptable and will offer a contrast to the existing buildings. It is appropriate that the proposal does not appear to be a direct replica of the nearby listed building. Further details will be secured by condition to ensure a satisfactory appearance.
The front of the building should be set back to reflect the character of the area The building line would project beyond the line of the neighbouring terrace Further landscaping should be sought	Revised plans have been submitted which show that the building would be set back to a level that is considered to be appropriate. The building line would be level with the front of the neighbouring terrace as per the revised plans that were submitted Further details of all landscaping works will be secured by condition
Views of Kingsley Court would be blocked	Whilst it is acknowledged that some views of Kingsley Court would be obstructed from St Paul's Avenue, largely views of the building would be maintained from the south of the site. The proposal would not harm the setting of the listed building.
The building would reduce the open feel of the junction	The site is currently underutilised and the development would result in a better use of land. The impact upon views from of the surroundings and the streetscene from the public realm would not be harmful.
<u>Parking, access and refuse</u>	
The proposal would result in additional parking in the area	Future residents would not have access to parking permits in the area. This would be secured as part of a legal agreement.
Impact on traffic safety from increased cars, vehicles and pedestrians	The number of additional cars, vehicles and pedestrians are not considered to result in unsafe conditions.
Visitors and deliveries to the building would need to park somewhere	The area has CPZs that visitors coming by car could park in. Short term delivery vehicles would be able to pull up temporarily along the

	St Paul's Avenue kerbside fronting the site.
Would the basement car park be secured to avoid drug dealing and criminal activity?	The applicant has met with Design Out Crime Officers who recommended that security features such as an appropriately finished gate should be provided. This will be secured by condition.
There is no mention of refuse collection	The applicant has submitted an Outline Waste Management Strategy
The pavement at the corner is dangerous and should be widened	The corner does not form part of the application site.
The bike stand at the corner would cause an obstruction to pedestrians	Based on the size and location of the bike stand it is not considered that it would unsafely obstruct pedestrians
<u>Flooding</u>	
The area is already prone to flooding	Officers have assessed the flood risk in the area and are satisfied that it would be acceptable. Please see paragraphs 54 to 57 of the report for a more detailed assessment
There is already a lack of sewer capacity in the area	Officers have assessed the flood risk in the area and are satisfied that it would be acceptable. Please see paragraphs 54 to 57 of the report for a more detailed assessment
<u>Neighbours living conditions</u>	
Loss of light	Whilst it is acknowledged that there would be a loss of light and in some cases a material loss of light, it is considered to be acceptable based on the specific circumstances of each individual unit that would be affected. More detailed commentary can be found in paragraphs 24 to 30
Loss of privacy	Overlooking would be prevented from windows on the side elevation by angled windows and from the rooftop amenity spaces by privacy screens and planting. Overlooking to residential buildings would be over 20 metres between habitable rooms which is considered to be an acceptable distance.
Loss of outlook	Although there would be an increase in mass the building would be within acceptable limits as per the guidance in SPG17
Increased noise	Although there would be an increase in activity in comparison to the existing use on site the proposal is for a residential development within a residential area. The proposed land use is therefore considered to be more compatible

	<p>with the existing surrounding residential uses. There have also been noise complaints received about the current MOT and car wash from local residents. Reasonable use of a flatted development would not be considered to result in any significant noise and disturbance.</p> <p>Conditions concerning plant and any potential noise from the equipment would be conditioned to ensure that they are within acceptable limits.</p> <p>Concerns have been raised about potential noise from the roof terraces. Noise from the terraces is not considered to be excessive in this urban, residential area. Noise complaints can be dealt with by the Council's Environmental Health department.</p>
Disturbance during build time	This is not a planning consideration because a level of disturbance must be accepted with most developments and excessive noise or disturbance is covered under environmental legislation. However informatives will be added to remind the applicant of their responsibilities during construction works.
Impact on clean air	The site is located within an Air Quality Management area and an air quality assessment was submitted with the application. This is discussed further within paragraphs 53-54 below.
Structural damage from piling and the basement	Structural damage is not a planning considered as it is covered under the Party Wall Act and the Building Regulations. Informatives will be added to remind the applicant of their responsibilities.
The proposal would result in rodents	The applicant has proposed a Waste Management Strategy and bins would be stored in the basement
<u>Consultation</u> _	
The consultation period should be extended	The original neighbour consultation letters were issued in December 2017. However due to the Christmas break the site notice and press notice were not issued until January. Therefore residents had additional time to submit any comments or concerns.
Neighbours not consulted during community consultation prior to submission	A statement of community involvement has been submitted which states that two public consultation events were held prior to submission and that flyers were issued to neighbouring properties. In addition to this the

	location and staging of the event were advertised in the local paper.
<u>Impact on local services</u>	
Impact on schools, nurseries, doctors and hospitals	Whilst it is acknowledged that there would be an increased number of residents living in the area the proposal is located close to a town centre that has a good range of services available. Planning policy also supports the creation of new homes. The proposal would also be CIL liable and therefore funds could be used to improve facilities in the area.
Payment should be to improve pavements and roads in the area and also a community fund.	Such payments are not required in order to ensure that the scheme complies with adopted policy. However, the proposal would be CIL liable and funds could potentially be used to improve roads and pavements within the area
<u>Original land use</u>	
The original use of the land was for a petrol station and garage. Concerns have been raised about safety guidelines. Measures should be put in place to prevent escape of contaminated soil.	Environmental Health officers have recommended a condition requiring concerning site investigations and remediation and verification to ensure that safety guidelines are met.
<u>Affordable/Family Housing</u>	
There will be no social housing just affordable housing The proposal does not include enough family sized housing There are too many one bedroomed units The planned development is aimed at the more affluent purchaser	Nine or 18.6% of the units would be provide Affordable Rented accommodation in line with adopted policy. The proposal would consist of 17% family sized housing. Although this is not policy compliant it is considered to be a reasonable offer for this site based on its constraints. The maximum reasonable amount of affordable housing would be provided
<u>Density</u>	
Too high density	The proposed level of density can be supported. Please see paragraphs 15 to 18 for more detailed commentary
<u>Other</u>	
The site should be used as a communal garden and tennis courts	Planning policy supports the building of new housing. Gladstone park, which is located 650m to the north of the site, contains tennis

<p>as none are available in the area.</p> <p>The proposed amenity space at the rear of the site would not be accessible to local people</p> <p>It is not clear what the amenity spaces are for</p> <p>The communal areas will lead to loitering and unsavoury behaviour</p> <p>Children's play space should be incorporated into the rear of the site</p>	<p>courts and large areas of open space.</p> <p>The amenity spaces are proposed for use by the residents of the building</p> <p>Children's play space is proposed at the rear of the site</p>
<p>The ground floor should be occupied by coffee shop or exhibition space.</p>	<p>There is no policy requirement to include a retail use or exhibition space. Willesden Town Centre is also located 230 metres away.</p>
<p>The proposal would result in the loss of greenery and trees</p>	<p>The site is completely covered in hard standing and there are no street trees present adjacent to the site</p>
<p>There is already an issue with fly tipping in the area</p>	<p>This is not a planning consideration and should be reported to the Council's Environmental Health Department</p>

Support comments
A little bit of extra traffic shouldn't really amount to opposition to more housing
The current site is bordering on a wasteland which detracts from the streetscape

Ward Councillors were notified on the 04/01/2018 and 02/07/2018. To date one representation has been received from Cllr Jones who has raised concerns with the points below. These concerns have been acknowledged and addressed in the table above and in the report.

- The proposal should be considered in terms of its impact on Kingsley Court and Park Mansions
- Object to the height, density and impact on the Mansion blocks
- Eight storeys is too high
- The development is not set back enough
- Limited parking
- Overlooking and overshadowing
- Pollution

- Impact on services
- Inadequate information on affordability

These concerns have been acknowledged and addressed in the table above and in the report.

External Consultation

The Willesden Green Town Team were notified and have objected on the grounds set out below. These concerns have been acknowledged and addressed in the table above and in the report.

- The height of the eight storey building
- Overlooking
- Loss of sunlight and daylight
- The grey façade and lack of red brick
- Improvements to landscaping are needed
- Strain on local infrastructure
- Parking permits should not be granted to new residents

Thames Water – no objections subject to conditions and informatives

Network Rail – have raised concerns about the proximity of the development and the railway line and have recommended a number of conditions and informatives

London Underground – no objections subject to recommended conditions

Internal Consultation

Affordable Housing – No objections

Design & Heritage – No objections

Environmental Health – No objections

Flooding – No objections

Landscape and Design – No objections

Recycling and Waste – No objections

Sustainability – No objections

Transport & Highways – No objections

POLICY CONSIDERATIONS

National Planning Policy Framework 2018

London Plan consolidated with alterations since 2011 (March 2016)

Brent Core Strategy (2010)

DETAILED CONSIDERATIONS

Background and Context

1. As outlined in the 'History' section of the report there have been two significant applications submitted for the site since 2010. Application 10/0677 for 20 residential units was recommended to be refused by the Local Planning Authority (LPA) and then refused at planning committee for reasons concerning design, pedestrian/highway safety, amenity/play space, parking, neighbouring amenity, sustainable development and noise disturbance from the existing garage. The application was subsequently dismissed at appeal based on design, pedestrian/highway safety and noise. Application 11/0051 for ten units was recommended for approval by officers and approved at planning committee. The current application is materially different to the two previous applications in terms of the actual part of the site where development is proposed, the number of units proposed and the design approach taken. Therefore whilst consideration has been given to the appeal decision and the Inspectors findings it has had little outcome on the current application due to the significant and material differences between both proposals.

Amendments since submission

2. A number of amended reports were received including an updated Daylight/Sunlight report due to a number of inaccuracies that were included in the original report. When the proposal was first submitted concerns were raised by officers about the height of the building at eight storeys and its potential impact on the listed building to the west of the site. Concerns were also raised about the overall design of the building including the lack of a set back at street level and the corner of the four storey element at the front of the building. Concerns were also raised about the quality and quantity of the communal amenity space at ground floor level which included areas that would not have been useable. Concerns were also raised about the layout of a number of flats due to the fact that they a significant number would have been single aspect. Concerns were also raised about the increased massing of the four storey building on the eastern boundary of the site and the potential impact on the amenity of residents in No.75 and 75A St Pauls Avenue through loss of light and an increased sense of enclosure.

3. The following is a list of amendments that have been received through the submission of revised plans since the application was originally submitted:

- Reduction from eight to seven storey building
- Reduction from 81 to 70 residential units
- Reduction in size of four storey building at the rear and alterations to the design of the front of the building
- Building has been set back at street level
- Creation of a third floor amenity space area on the four storey building and alterations to ground floor level amenity space to the rear of the site
- Changes to internal layouts of residential units due to concerns with single aspect units
- Revised Daylight/Sunlight report due to errors in the original report

Principle

Land use

4. The lawful use of the site was previously a petrol filling station which has been demolished and a garage that was in use as an MOT centre. The site is currently in use as an MOT centre, a car wash and car park used for the storage of vehicles for sale following a recent retrospective application to change the use of the site. The site is considered to be a Local Employment Site and as such DMP14 – Employment Sites is relevant. In order to justify the loss of the existing garage it would have to be demonstrated that the continued wholly employment use is unviable or that there would be significant benefits consistent with the wider objectives of the Development Plan. In this case it has not been demonstrated that the continued employment use is unviable therefore consideration has been given to the existing employment use on site, the context of the site within an existing residential area and the proposal to include 70 residential units.

5. Paragraph 118 of the NPPF (2018) sets out a number of core principles regarding the effective use of land including that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 118 also states that planning policies and decisions should promote and support the development of underutilised land, especially if this would help to meet identified needs for housing. The application site is located on a previously developed brownfield site and is in a sustainable location. The level of employment currently provided on site is quite low and it is difficult to see how a site that is effectively surrounded on all sides with the exception of the railway track to the north could support larger scale employment uses without creating more disturbance for local residents. The Brent Nuisance Control Team has confirmed that complaints have been received about noise coming from the existing uses on site. Therefore although there would be a loss of an employment site the redevelopment of the site for residential purposes is supported in principle due to the fact that the proposed residential land use would be more suitable in this location and would make more efficient use of land whilst contributing 70 residential units to the boroughs housing stock. Significant weight can also be given to the planning merit of providing new homes, including the provision of affordable homes and to making more efficient use of the land by providing these homes at a reasonably high density.

6. The proposal is therefore considered to be acceptable in principle subject to the other relevant material planning considerations set out in this report.

Unit Mix and Affordable Housing

7. On schemes of over 10 units Objective 7 of the Core Strategy (2010) as well policies CP2 and CP21 requires the provision of family sized homes, with a borough-wide target of 25% family sized units. The scheme would provide 19% family sized units (13 x 3-bedroom homes) which falls below the 25% target. However in this case consideration has been given to the balance between the provision of family sized homes and the provision of Affordable Housing, as the sales values for 3-bedroom homes is less (per square foot / metre) than for smaller homes and this has a negative effect on scheme viability. On balance the unit mix proposed is considered to be acceptable.

8. London Plan Policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing when negotiating on private and mixed use developments, having regard to a number of factors, including development viability. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable. Development Management Policy DMP 15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing. It goes on to say that where a reduction to affordable housing obligations is sought on economic viability grounds on major phased developments, and where the proportion of affordable housing agreed is significantly below 50% appropriate provisions to re-appraise scheme viability will be sought and secured by s106 agreement.

9. Healey Development Solutions originally proposed an 81 unit scheme with 23 affordable units. This equated to 28% affordable housing provision of which 74% was intermediate tenure and only 26% as affordable rented tenure. The applicant submitted a Financial Viability Appraisal (FVA) drawn up by Redloft to demonstrate that the proposal actually put the scheme into a financial deficit and therefore this affordable housing offer represented more than the maximum reasonable and viable amount the scheme could deliver, in line with planning policy. The FVA assumed a Benchmark Land Value (BLV) of £5 million based on an alternative use value (AUV) as a free school (the BLV was calculated by Frost Meadowcroft). Redloft put the BLV into the appraisal as a fixed cost and set a target/benchmark residual profit of circa 8.3m equating to 20% on Gross Development Value (GDV). The total residual profit for the proposed scheme came out as circa £5.1m which equates to 12.32% of GDV, which falls below significantly below the target showing the

scheme to be financially unviable.

10. Officers appointed BPS Chartered Surveyors to carry out an independent review of the FVA and they produced their own assessment in March 2018. BPS disagreed with some assumptions that were used within the FVA appraisals, in particular the BLV. BPS stated that an AUV approach to measuring the BLV was not appropriate in this case and it would require a change of use consent from Sui Generis to D1. BPS calculated the BLV on an existing use value (EUV) basis as industrial/storage uses and lowered the BLV to circa £2.1m. BPS' revised appraisal showed that the proposed scheme had a surplus of £1.4m. A sensitivity test also showed that the same total affordable housing provision on a policy compliant tenure split would also be viable albeit with a very small surplus.

11. Officers had shown concern with the proposed tenure split of the affordable housing provision which was weighted heavily towards intermediate tenure and not in line with Brent's Policy DMP15 ratio of affordable rent to intermediate of 70/30. In light of BPS' analysis showing the proposed scheme was in a surplus Officers noted that the applicant should consider a policy compliant tenure split whilst seeking to maintain the overall affordable housing numbers. Redloft provided a written response to the BPS report on 23rd March 2018. This response acknowledged multiple points of agreement but contested others including BPS' approach to calculating the BLV and Redloft maintained their position on this matter. It is important to note that at this stage the Planning Team had informed the applicant that they would need to revise the scheme to address multiple issues including height and mass otherwise the scheme would be refused. BPS responded via email on the 11th April 2018. Some further points were agreed such as build costs and professional fees, however BPS maintained their position on the BLV and identified the proposed scheme was in a surplus of circa £1.1m and could deliver an improved affordable housing offer. BPS and Redloft contacted each other via conference call on the 18th and 19th April 2018 to attempt to agree on the BLV although nothing was agreed. Both consultants continued to negotiate via email until early May but no further agreement was made and negotiations were put on hold until the updated FVA for the revised scheme was submitted.

12. Redloft submitted the new FVA for the revised scheme in June 2018. The revised proposal is for a total of 70 residential units with an affordable housing provision of 18.6%. Total affordable provision consists of 9 affordable rented units and 4 intermediate. This equates to a 69/31 tenure split and is very near policy compliant. For the revised FVA Redloft adopted a reduced BLV (again, provided by Frost Meadowcroft) on a EUV basis which equated to circa £3.01m. Redloft also adopted a reduced target/benchmark profit of £6.13m which equates to 17.5% of GDV. The revised appraisal produced a residual profit of £3.43m which equates to 9.95%. The residual profit falls below the target and therefore shows the latest proposal to be unviable. It is important to stress that an overall reduction in residential floorspace (which is a requirement set by the Council) will reduce viability of the scheme and the revised scheme provides circa 15% less overall residential units than the original proposal. This factor combined with the shift to a policy compliant tenure split of the affordable units will inevitably have a negative impact on viability. Officers re-appointed BPS to review the revised FVA. BPS still did not agree with the BLV used in Red loft's appraisal and maintained their own value for the site. However, the BPS appraisal showed that the scheme hit a residual profit of 16.32% which still falls just below the 17.5% target. While BPS still disagreed with certain assumptions in Redloft's appraisal, BPS still concluded that the offer in the revised scheme represented the maximum reasonable amount of affordable housing the revised scheme can viably offer.

13. The current offer of 18.6% affordable housing falls below the 50% Local Plan target. However, the Council's own consultants agree that this is the maximum reasonable amount of affordable housing the scheme can viably deliver at this time. The applicant has shifted the tenure split of the affordable housing provision to be policy compliant, reduced their target residual profit level in an attempt to improve viability and they have agreed to have a post-implementation review mechanism secured into the s106 agreement.

14. The following represents the agreed affordable housing position:

	Private	Affordable Rent	Intermediate	Total
1-bed	28	5	2	35
2-bed	19	2	1	22
3-bed	10	2	1	13
Total	57	9	4	

Density

15. The proposal makes efficient use of this land to provide a significant contribution to Brent's annual

housing target of 1,525 homes. The draft London Plan has also increased this target to 2,900 homes per year.

16. London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is considered to be in an 'Urban' setting, with a PTAL of 3 would be appropriate for accommodating 45 to 170 units per hectare. Paragraph 17 of the NPPF sets out 'core planning principles', including that planning should "encourage the effective use of land by reusing land that has been developed previously, provided that it is not of high environmental value".

17. The proposed scheme would result in a level of density above the matrix range as development is proposed to be 304.3 units per hectare. 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.

18. The location of the site with immediate boundaries defined by the railway line to the rear and intersection of St Pauls Avenue and Park Avenue and the varied existing wider context and character of different buildings and uses locally, together with the close proximity to transport infrastructure (Willesden Green Underground station, 450m and several bus routes 550m, both within walking distance). The quality of the proposed design how this would contribute to a sense of place is also an important determining factor when considering residential density. This 'urban' site is within 250metres walking distance of Willesden Town centre and is also on the edge of a PTAL 4 area. For these reasons the proposed level of density can be supported.

Heritage and Design

19. Kingsley Court is a Grade II listed building from the 1930s located to the west of the site. The area also contains some attractive Victorian buildings, most notably Avenue Mansions which is a mansion block located across the road and to the south-west of the site. The site itself consists of a modern building and large areas of open space that are currently used to store vehicles that are for sale. The site is located at a crossroads with examples of architecture from different eras. From a design perspective the applicant has sought to utilise a modern approach on a mansion block whilst also acknowledging that there is a reduction in height to the east in the form of the Victorian terraces leading towards Willesden High Street. Previously officers raised concerns with the height of the building at eight storeys and the potential for it to dominate and compete with the listed building, Kingsley Court, to the west. The applicant has therefore sought to address these concerns by lowering the height of the building by one storey and setting the building back from the street which reflects the setback seen in the other sites adjacent to the application site. The building would then step down to four storeys and the building line has been reduced to be level with that of the terrace to the east. The applicant has submitted a Heritage and Townscape report in support of the application.

20. Concerns have been raised by local residents about the overall design approach that has been taken with the proposal. Concerns have also been raised about the height despite the fact that the building has been reduced by one storey. However the design would be a modern take on the mansion blocks that can be seen in the area. The use of banding is also a nod to the listed building to the west. When analysing the design consideration has been given to the site context and the applications site location at a cross roads. The existing buildings represent structures from different eras including the Victorian era and 1930s. A number of residents have stated that the proposed design should more closely reflect the existing red brick buildings to the south of the site whilst a number of other residents have stated that the design should reflect the listed building to the west. However often a pastiche of designs based on existing styles would appear more harmful and rather than compliment with the listed building and other mansion blocks in the area, it could potentially compete with them and appear overbearing. Concerns have also been raised about the lack of landscaping and garden space at the front of the building. However the building would be set back by over 3 metres to accommodate front gardens. Again this is a reflection of the space that is afforded to the existing buildings and would allow the creation of usable space for residents. Further details of the landscaping will be secured by condition to ensure a satisfactory finish.

21. DMP7 states that proposals should have special regard to the desirability of preserving a heritage asset or its setting and that special regard should be given to detailed design, prominent elevations and the nature,

quality and type of materials used. In this case Kingsley Court has an existing height of six storeys and a unique design that incorporates banding and curved elements. The proposal has been reduced to six storeys with the seventh storey set back so that it will not be visible from street level. With the reduction in height it is now considered that the scale of the building would be acceptable in this location and rather than dominate the neighbouring listed building it would complement it in terms of its height. The four storey part of the building would also acknowledge that there is a reduction in height to the east in the form of the terraced properties and would offer a good set down in terms of height.

22. The design approach taken is a modern take on the existing mansion blocks in the area. The buildings would be well set back to allow space in front of the building. There are also some slight references to the listed building such as the curved elements on the façade and the use of banding. These are considered to be complementary in design and would not compete with the existing listed building. DMP1 states that development will be acceptable provided it is of a location, siting, layout, scale, density, materials, detailing and design that complements the locality. Overall it is considered that the design approach taken and height of the buildings is considered to be acceptable and would not harm the character or appearance of the area or the setting of the listed building to the west. The building would be well designed and would provide a significant improvement on the existing site whilst also contributing to a better sense of place.

Neighbouring Amenity

23. The proposal would not materially harm the amenity of neighbouring residents.

Daylight, sunlight and overshadowing assessment

24. Concerns were raised with the original Daylight/Sunlight report due to inaccuracies with its content and specifically with the assumed layout of Nos.75 and 75A St Pauls Avenue. The applicant has therefore conducted an internal review of both of those properties and also produced a revised report. Concerns have also been raised by a resident following re-consultation of neighbours regarding the revised report. These concerns are based on the

25. Nos.75 and 75A are the properties that are most likely to be affected by loss of light due to their proximity to the application site and also because of the properties unique layout. The upstairs property was visited by officers to confirm the layout which was also confirmed by means of a drawing supplied by the residents living there. The property consists of a number of windows located on the side elevation that overlook the application site due to its siting on the end of a terrace. There is also an area of amenity space to the side and a garden to the rear that both flats have access to.

26. The ground floor flat (No.75) consists of three large bedrooms, a kitchen, living room and bathroom. None of the rooms currently used as bedrooms directly overlook the application site as one is at the front of the property overlooking St Pauls Avenue, one is at the rear overlooking the rear garden and one looks towards the rear of the garden via a side window. The report also demonstrates that the proportion of Vertical Sky Component (VSC) that would be retained is above the amount recommended in BRE guidance. The windows of rooms currently used as a kitchen and living room do face the application site. The kitchen would only retain 40 % of its former VSC value which is below the recommended amount of 80 % and therefore considered material. The kitchen is relatively small (approximately 9 sqm). Daylight to the kitchen is also affected by the existing overhanging stairs of No. 75A, and the kitchen would receive much higher absolute levels of daylight if these stairs were not present (an absolute level of 20 % VSC, compared to a BRE target of 27 %). The room currently used as a living room (also quite small at less than 9 sqm) would also only retain 50 % of the former VSC which again is below the recommended target of 80 % and again considered material. The applicant contends that the original use of this room is likely to be as a bedroom, which may well have the case due to its size. However, it is noted that the current occupiers of the flat (which is occupied as a shared dwelling) use it as a living room. The proposal would reduce the Average Daylight Factor (ADF) to 1.0% which is below the target of 1.5 % for a living room set out in BRE guidance, but would meet the target level for a bedroom. However, when balancing the impacts and benefits of the scheme, it is noted that the flat has large bedrooms that are significantly larger than both the kitchen and living room, with good outlook in other directions and a shared garden space.

27. No.75A is located in the upper floor of the property and consists of a living area that overlooks the rear of the property towards the railway line, a kitchen, bathroom and small bedroom that overlook the application site, a study that looks towards the railway line over the side amenity space and a front main bedroom that overlooks the front of the property over St Pauls Avenue. Similar to the downstairs flat the kitchen is small (9 sqm). However it was noted during the site visit that the room did contain a table and chairs. The Daylight/Sunlight report concludes that the absolute value of VSC for the kitchen would fall marginally below BRE guidance targets (25 % compared to a target of 27 %), but that the ADF value for the room would exceed the BRE target. As such, daylight within this room accords with BRE targets. The assessment shows that the bedroom which faces the site would have an absolute VSC level of 19 % (below the target of 27 %), but again, the ADF value complies with BRE guidance levels. As such, the level of impact on No. 75A accords with BRE guidance.

28. The report has also carried out an analysis of the other residential properties in the area including the other units in St Pauls Avenue, Kingsley Court, Ady's Lawn and Avenue Mansions. The report has concluded that with regard to VSC although there would be small number of windows (11%, or 12 of 177 windows) in Kingsley Court that would fall below the target level of 80 % of the former value (of VSC). Two of those windows would achieve an absolute value of 27 % VSC and would accord with the standards. Of those that don't meet the standards, five are within rooms that are served by more than one window, with other windows in that room meeting the standards. Where the associated rooms are only served by one window, the assessment shows that the windows achieve VSC levels in excess of 22 % (whereby the BRE target is 27 % but the BRE guidance references a level of 18 % as more typical of an urban location. The five relevant windows would have VSC levels of 22.8 to 26.7. The report shows that two windows within Adys Lawn and two windows within Avenue Mansions would experience a reduction to less than 80 % of their former value (of VSC). However, the associated rooms are also served by windows that will continue to accord with BRE guidance. With regard to sunlight the primary living room windows of Kingsley Court are within 90 degrees of due south and as such would not be affected by the proposal. Ady's Lawn located to the south-west of the site would have full compliance with BRE targets with VSC levels remaining at or within 80 % of their former values. Again the windows of this property are within 90 degrees of due south do not face the application site and as such would not be affected by the proposal in terms of loss of sunlight. Avenue Mansions located to the south of the site would only have two individual panes of bay windows that fall just outside the 80 % target (of the former value). However as the bays have multiple aspects daylight would enter from a variety of positions and therefore it is considered acceptable. Again as the windows of this property are within 90 degrees of due south do not face the application site and as such would not be affected by the proposal in terms of loss of sunlight.

29. Concerns have been raised by a resident that direct sunlight levels to windows in Kingsley Court have not been assessed. However as the windows are outside of 90 degrees of due south these windows have limited potential to enjoy direct sunlight and the BRE guidance specifies that such windows should not be tested. This is why the BRE guidance does not consider the effects to such windows as they are primarily limited by their orientation and therefore do not provide an appropriate metric for an assessment. The resident has also raised concerns with the use of APSH however this is standard that is normally used in conjunction with other assessments in assessing Daylight and Sunlight.

30. Although there would be a material loss of light to a small number of properties, and specifically Nos.75 and 75A, based on the reasons set out above it is considered to be acceptable in this case.

Additional mass and overlooking

31. Previously concerns were raised about the potential sense of enclosure that residents in the adjacent site and in particular No.75 and 75A St Pauls Avenue would face. This property is split into two flats with one on the ground floor and one on the first floor of the building. Due to the properties location on the end of the terrace there are windows in the side elevation that overlook the application site. There is also an area of amenity space that runs adjacent to the application site and two storey outrigger.

32. The concerns with the original proposal were primarily due to the proximity of the four storey building to the residents of No.75s side/rear amenity space and the location of habitable windows in the side elevation.

The applicant has therefore reduced the massing of the building and taken into account the 30 and 45 degree line guidance contained within SPG17. Revised drawings, including sections, now show that the proposed four storey element would be within both the 30 and 45 degree lines when measured at a height of 2 metres from the neighbours windows and amenity space respectively. It is now considered that due to the reductions in mass that the proposal four storey element would not result in material harm the neighbouring residents. There would be a slight failure of the 30 degree line from the windows of the side elevation of No.75 St Paul's Avenue when taking into account the seven storey part of the building. However this part of the development would be located 24 metres from the windows in No.75 and 75A and is therefore considered to be a sufficient distance away in terms of the additional mass.

33. Windows proposed in the side elevation would also be angled to prevent any overlooking. The roof terraces that would provide amenity space for future residents could have the potential to result in overlooking however the applicant has proposed privacy measures and set back the area that residents could physically use. Further details of these measures will be secured by condition to ensure that overlooking does not take place. Consideration has also been given to the potential for overlooking to the other existing residential properties to the west and south of the site. However a minimum distance of 20 metres would be maintained to the properties in Kingsley Court to the west and 25 metres to the properties to the south which is considered to be acceptable.

Impact on local services

34. A number of residents have raised concerns with the potential impact on local services such as schools, nurseries, doctors and hospitals. Whilst it is acknowledged that there would be an increased number of residents living in the area the proposal is located close to a town centre that has a good range of services available. Planning policy also supports the creation of new homes and the proposal would be CIL liable. Therefore funds from the development could be used to improve facilities in the area.

Proximity of vehicular ramp to neighbouring residents

35. Two neighbouring residents have raised concerns with the proximity of the ramp and the potential for noise disturbance from vehicles, bin transport and plant. Whilst it is acknowledged that there would be an increase in activity in the form of vehicles accessing the basement level there are only spaces for 16 cars. This is not considered to be overly excessive in comparison to the existing situation on St Paul's Avenue and any noise would be intermittent and last for a very short period of time. The ramp would also be covered with a green roof and further details of sound insulation and the internal acoustic design of the car park can be secured by condition which is recommended in the applicant's Noise Impact Assessment. Further details of all plant would also be secured by condition to ensure that any noise emissions are at acceptable levels. The applicant has submitted an Outline Waste Management Strategy in support of their application. This outlines procedures for collecting waste from the site which are proposed to be done at a specific time and day in conjunction with Brent's Collection Service. Based on the fact that collection times would be limited to a specific time and day and in reality would be carried out over a short period of time it is not considered that this would be materially harmful to neighbouring residents.

Other

36. A number of residents have raised concerns with potential disturbance during construction works. Disturbance from construction works is not a planning consideration as it is covered under environmental legislation. However a number of informatives concerning the hours of construction works, licences, vibration, air quality and a Construction Management Plan are recommended to remind the applicant of their responsibilities in terms of minimising disturbance to neighbouring residential properties.

37. Overall it is considered that the proposal would not materially harm the amenity of neighbouring residents and is considered acceptable.

Standard of accommodation

38. DMP18 requires all new residential accommodation to comply with London Plan policy 3.5 minimum

standards. All of the units proposed either meet or exceed minimum internal space standards.

39. DMP19 sets a target for all new residential units to provide residents with private amenity space with 20 sqm per flat and 50 sqm per family size unit where possible. However DMP19 also recognises that where sufficient private amenity space cannot be achieved to meet the full requirement that the remainder can be supplied in the form of communal amenity space. In this case there are a number of units that do not meet the required amount of 20 and 50 sqm. The total amount of communal space proposed is 633sqm which consists of the ground floor and roof terraces at third and fourth floor levels which works out as 9 sqm per flat when divided by the total number of units (70). 998 sqm of private amenity space is also proposed in the form of balconies and terraces, with the total amount of amenity space equalling 1,631 sqm, equating to an average of 23 sqm per unit. While this is only slightly below the DMP19 target of 1,790 sqm based on the mix of units, this is not equally distributed between units. Nevertheless, residents would still have adequate outdoor space and every unit would meet the minimum space standards for private space as per the Mayor of London's Housing SPG and the draft London Plan. The site is also located 650metres from Gladstone Park which consists of large open areas of space and sports facilities. Therefore on balance although the amount of actual private amenity space is not completely policy compliant, consideration has been given to the overall standard of accommodation that would be afforded to residents, the mixture of private and communal space and the proximity of a large park.

40. All units would be well served by windows offering good levels of outlook. The majority of the units on the southern and western side of the site would however be single aspect. There are no concerns with access to daylight or sunlight due to the orientation however this could potentially result in overheating. The applicant has submitted an overheating assessment which has identified that only units 02.GF, 08.Gf and 05 are likely to fail the TM59 compliance due to the fact that they would be south facing and single aspect. However this could be mitigated against with larger openable windows, improving the building fabric or by using CHP and boiler. Based on this a condition is recommended requiring further details of mitigation measures for these three units to ensure that overheating does not take place.

41. All units would provide an acceptable standard of accommodation for future residents.

Play space

42. The proposal would incorporate a children's play space with an area of 112sqm in the rear communal amenity space area at ground floor level which is required by London Plan policy 3.6. The amount of play space required is normally determined by expected child yield population. The applicant has provided information on the expected number of children that will reside in the development which equates to seven under the age of five, four between the ages of 5 to 11 and two from ages 12+, giving a total of 13. Based on policy 3.6 and when applying the SPG assessment calculator the amount of play space that would normally be required is 130sqm based on 10sqm per child. The amount of play space proposed is below the required amount and the designated area would form part of the communal amenity space. However consideration has been given to the fact that it would be difficult to achieve the maximum required amount of space due to the site's constraints and also without reducing the amount of communal space available to other residents. Consideration has also been given to the site's proximity to Gladstone Park which is located within walking distance of the site (650metres) and consists of a variety of sports and play equipment. Therefore although there would be a slight shortfall in the amount of actual play space within the site it is considered that it is acceptable in this case. Further details of the play equipment proposed will be secured through condition.

Parking, access and refuse

Parking _

43. The higher residential car parking standards apply, so the 70 flats have a maximum parking standard of 76.5 parking spaces. The proposed provision of 16 spaces remains well within the maximum allowance, so the levels of parking are not excessive. However, consideration must be given to the potential for over-spill parking, particularly where parking levels are low. To address this, a 'parking permit restriction' agreement to remove rights of future residents to on-street parking permits will be secured through a legal agreement to ensure overspill parking does not add to on-street parking demand in the area, along with subsidised membership of existing local Car Clubs for new residents through the Travel Plan. Residents have raised concerns with overspill parking in the area however the removal of future resident's rights to permits, the proximity of public transport and membership of a local car club will prevent overspill parking in the area. The number of disabled parking spaces has been reduced to seven from the original submission, which still

meets the current London Plan requirement of a space for 10% of the flats, so is sufficient. At least six of the spaces should also be provided with electric vehicle charging points (3 active/3 passive). This is recommended to be secured through condition.

44. With regard to cycle storage the reduction in the number of flats from 81 to 70 reduces the long-term bicycle storage requirement to 105 spaces, plus two short-term spaces. The number of spaces in the basement has thus been reduced to 107, again meeting requirements in a secure and sheltered location with access via both the car park access ramp and a lift. Six bicycle stands are again proposed on the wide area of footway fronting the site to more than meet short-term parking requirements. These will again need to be funded by the applicant alongside the crossover works and further enhancements to this wide area of footway such as benches and planting.

Access

45. The vehicular access arrangements remain unaltered from the original proposal and include a single-width ramp with a traffic signal/barrier system. A passing area is proposed between the start of the ramp and the highway boundary which is considered to be acceptable from a highway safety perspective. However a number of residents have raised concerns with security and whether the access will be secured. This was also raised by the Designing Out Crime Officer and therefore a condition requiring the submission of further details of the access is recommended. The existing crossover to St. Paul's Avenue would need to be repositioned eastwards to suit the new access arrangements, with the redundant crossover onto Park Avenue needing to be removed. These works are recommended to be secured by legal agreement as well as improvements to planting, street furniture and the bicycle stands. The proposed ramp also meets safety standards in terms of its gradient.

46. A number of residents have raised concerns with the basement access and the potential for it to attract criminal activity. The applicant has met with Design out Crime Officers who have recommended that security features such as an appropriately finished gate should be provided. This is recommended to be secured by condition to ensure that access is controlled.

Refuse and delivery vehicles

47. The two proposed bin stores in the basement now show a reduced total of 14 Eurobins and seven wheeled bins, which provides adequate capacity for the reduced total of 70 flats. A standing area at the front of the site for collection day storage will allow easy access by Brent's refuse contractors from St. Paul's Avenue without refuse vehicles needing to enter the site. Similarly, other short term delivery vehicles and emergency vehicles can service the site from the adjoining kerbsides on St Paul's Avenue.

Impact on local transport network

48. Transport & Highways officers have assessed the potential impact on the local transport network due to the potential increased number of users in the area. As the number of flats has been reduced from the original proposal of 81 flats to 70 flats, the impact of the proposal on local transport networks would also reduce. There is therefore no need to revise the original Transport Statement submitted with the application, as it has already demonstrated that the impact of the development on the local transport networks would be acceptable. Concerns have been raised by local residents about the increased number of vehicles, bicycles and pedestrians in the area. An analysis of the accident record in the area for the three-year period December 2013-December 2016 showed only one personal injury accident in the close vicinity of the site, which was somewhat random in its nature as it involved goods falling from a vehicle and striking a pedestrian. As such, there are no concerns with regard to road safety related to this development proposal.

Travel Plan

49. A Framework Travel Plan was originally submitted in support of the applicant. This proposes that a named Travel Plan Co-ordinator will manage a series of measures (supply of travel information, personalised travel planning, management of car parking, car club membership subsidies etc.) to aim to reduce the proportion of car driver trips to and from the site from 19% to 13%, with progress to be monitored using

biennial surveys undertaken in line with the TRICS survey methodology. No update to the previously submitted Framework Travel Plan has been provided with the revised proposal therefore a revised Travel Plan needs to be approved prior to first occupation through the S106 Agreement.

Energy and Sustainability

50. London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. As outlined in the Housing SPG from 1 of October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent (carbon neutral), are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).

51. A resident has raised concerns with the amount of CO₂ that could potentially be emitted. However the Energy and Sustainability Statement submitted in support of the application indicates that the development meets the London Plan requirement of at least a 35% reduction in emissions against Part L 2013 (with the remaining emissions offset with a proposed Carbon Offset Payment of £82,890) and therefore complies with Brent's energy reduction policies.

Proximity to railway line

52. The application site is located in close proximity to the railway line which runs along the northern edge of the site. Due to the scale of development and proximity of the railway line both Network Rail and London Underground were formally consulted. Whilst neither have objected in principle to the proposal both have recommended conditions concerning the submission of further details of design, construction methods, piling and excavation due to the potential impact on the embankment and railway line.

Environment

Air Quality

53. The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by Capita on behalf of WYG has been submitted considering the potential air quality impacts associated with the proposed construction and future operation of the site. The report shows that construction works would give rise to a low to medium risk to air quality through dust impacts. The report recommends measures to mitigate dust emissions during construction phase and securing these by condition. It is found that additional traffic from the development would not significantly affect local air quality.

54. The Council's Environmental Health officer concurs with the methodology of the assessment. However they have recommended that there is not enough specific information on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral. Therefore more specific quantitative mitigation measures are required by the applicant which can be secured by condition. This is considered to be reasonable due to the fact that London Plan policy 7.14 states that major developments should be at least air quality neutral.

Noise

55. London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. The site is located adjacent to a railway line that has the potential to transmit noise to the proposed residential properties. A Noise Impact Assessment has been undertaken and supports the application which has been assessed by Environmental Health officers. The officers have found that the report by Capita dated 1 December 2017 comprehensively demonstrates that the site is suitable for residential development in relation to environmental noise and vibration. Satisfactory mitigation measures are outlined in the document and potential residents inhabiting the building should be protected from excessive environmental noise if this design specification is correctly adhered to. The contents of the report and mitigation measures are there recommended to be condition to ensure that residents are not exposed to unacceptable noise levels.

Flood risk and drainage

56. London plan policy 5.12 requires developments to comply with flood risk assessment and management requirements set out in the NPPF. The site was previously identified by the Environment Agency as Flood Zone 1. However the West London Strategic Flood Risk Assessment that was recently commissioned by

Brent and five other neighbouring boroughs shows that the site is located within Flood zone 3A (surface water) and therefore the Exception Test is required. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is at low risk of tidal or fluvial flooding however flood risk from surface water has historically been a problem in the area and there are also historical problems with waste water. A number of local residents have also raised concerns with flooding in the area due to the existing situation and also the potential for additional flooding due to the proposed development and in particular the basement level. Both the Council's flood engineer and Thames Water have assessed the proposal and provided comments. The applicant has also submitted an updated FRA in response to a query from officers.

57. The Council's Flooding Engineers have also confirmed that the existing site is 100% impermeable due to the presence of large amounts of concrete and that all surface water discharge is connected to the existing surface water sewer network. The proposed development will provide storage tanks and surface water will be restricted to 5 l/s, which will be significantly less than the existing discharge. Due to the measures proposed the controlled surface water discharge would actually reduce the flood risks in this area and in turn reduce the risk of flooding to the site and neighbouring properties overall which is considered to be a significant benefit.

58. London plan policy 5.13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. Thames Water have been formally consulted on the application and have requested that further details of a drainage strategy are secured by condition prior to the commencement of any works on site. Thames water has also recommended a condition requiring the submission of a piling method statement prior to any piling being carried out due to the potential for damage to subsurface water infrastructure. Subject to the submission of this strategy and information on piling Thames Water would not have any objections to the proposal. These conditions are considered to be reasonable due to the historic problems with flood in the area. Thames Water have also recommended that a number of informatives are included should the application be approved including groundwater discharge, minimum water pressure and building close to water mains.

59. The proposed storage tanks and restrictions on surface water are considered to be significant benefits to the local area due to the existing problems with surface water flooding. It has also been demonstrated that the proposal would pass the exceptions test. Subject to the submission of a drainage strategy and information on piling officers consider that the proposal would be acceptable in terms of flood risk and drainage.

Contaminated Land

60. The requirement to deal with contaminated land is set out in London Plan policy 5.21 and reinforced by the NPPF. The site is located on land that has had a previous contaminative land use (garage and petrol station) which indicates that there is potential for contamination to be present. Therefore Environmental Health officers have recommended a condition concerning site investigations and remediation and verification.

Ecology

61. The site is located adjacent to the railway line which is a wildlife corridor and as such DMP8 and London Plan policy 7.19 apply. The applicant has submitted an ecological report in support of the application. The report has made a number of recommendations concerning reptiles, bats, nesting birds and the presence of an invasive species (Virginia Creeper) that would need to be removed. The report has concluded that subject to conditions regarding ecological work that the proposal would be acceptable and would not harm the wildlife corridor.

Conclusion

62. Consideration has been given to the fact that there would a material loss of light to a small number of neighbouring residential properties. However based on the overall impact on living conditions and site layouts of these properties the proposal is considered to be acceptable. Consideration has also been given to the fact that although there would be a loss of an employment site the redevelopment of the site for residential purposes is acceptable in this case due to the fact that the proposed residential land use would be more suitable in this existing residential location and would make more efficient use of land, whilst contributing 70 residential units to the boroughs housing stock, 18.6% of which would be affordable. The proposal would result in a good standard of accommodation for prospective residents. The proposal would also make a

significant contribution to the streetscape and place making in the area whilst respecting the character, appearance and setting of the neighbouring listed building. The proposal would also help to address concerns with flooding in the area. Based on these factors the positives of the scheme outweigh the negatives and it is considered that the proposal is acceptable. The application is therefore recommended for approval.

S106 DETAILS

A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) is required to secure a number of planning obligations that are most appropriate to secure as obligations rather than as planning conditions. See 'Recommendation' section for further details.

CIL DETAILS

This application is liable to pay **£2,477,541.45*** 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): 458 sq. m.
 Total amount of floorspace on completion (G): 7903 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
Dwelling houses	7903		7445	£200.00	£35.15	£2,107,200.89	£370,340.56

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)	317	
Total chargeable amount	£2,107,200.89	£370,340.56

*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: 17/5291

To: Mr Mark Westcott
WYG
11th Floor
1 Angel Court
London
EC2R 7HJ

I refer to your application dated **12/12/2017** proposing the following:

Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

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

at **Willesden Green Garage, St Pauls Avenue, London, NW2 5TG**

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: 01/02/2019

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:-

National Planning Policy Framework 2012

London Plan consolidated with alterations since 2011 (March 2016)
Core Strategy (2010)

Development Management Policies (2016)

Supplementary Planning Guidance:

SPG 17 'Design Guide for New Development' 2002

- 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):

ST-02-099B
ST-02-100A
ST-02-101A
ST-02-102A
ST-02-103A
ST-02-104A
ST-02-105A
ST-02-106A
ST-02-107A
ST-02-109A
ST-02-111
ST-02-115
ST-03-100A
ST-03-101A
ST-03-102A
ST-03-103A
ST-03-104A
ST-03-112
ST-04-100A
ST-04-101A
ST-04-102A
ST-04-103A
ST-04-104A

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

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

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)

Night time noise
23:00 – 07:00

Bedrooms

30 dB LAeq (8hr)

The measures set out within the report titled "Park Avenue Residential Scheme Noise Impact Assessment" by Capita dated 1 December 2017 shall be carried out in full prior to first occupation of the dwellings hereby approved and all mitigation measures shall thereafter be maintained.

Reason: To obtain required sound insulation and prevent noise nuisance.

- 4 Any plant together with any associated ancillary equipment shall be installed so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 5dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval. The plant shall thereafter be installed prior to the first use of the building to which the plant relates and maintained in accordance with the approved details for the lifetime of the Development

Reason: To protect acceptable local noise levels.

- 5 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 3.8.

- 6 Prior to the commencement of the use of any part of the approved Development the following shall be constructed and permanently marked out:-
 - the approved number of car parking spaces as shown on the approved plans which shall include the provision of at least 20% active and 20% passive electric vehicle charging points and at least seven spaces designed and laid out for disabled parking
 - cycle parking numbers as approved

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose/s unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate parking and cycle parking provision in accordance with adopted standards.

- 7 Vegetation clearance of shrubs/trees shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

- 8 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and

re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units

- 9 Before any above ground construction work (excluding demolition) is commenced, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 10 Before any above ground construction work (excluding demolition) is commenced a detailed scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be fully completed prior to occupation of the building(s), or within 12 (twelve) weeks of the commencement of the next planting season. Such a scheme shall include, but is not limited to:-

(a) Details of proposed walls, fencing and other means of enclosure indicating materials and heights, including secure fencing around the boundary of the site and the neighbouring designated SINC areas;

(b) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,

(c) Details of adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) Details of existing contours and any proposed alteration to ground levels such as earth mounding;

(e) Details of any balustrade/balcony treatment

(f) Details of areas of hard landscape works and proposed materials, including details of a robust and durable choice of material for the refuse turning area ;

(g) Details of the proposed arrangements for the maintenance of the landscape works.

(h) Details for the provision for outside seating / benches and children's play equipment

(i) Details for the provision of on site bird boxes

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development, 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, ensure that it enhances the visual amenity of the area and to protect trees in the immediate environment and to retain a mature tree cover around the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 11 Prior to first occupation of the development hereby approved, confirmation from the Building Control body shall be submitted to the Local Planning Authority 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.

Reason: In order to ensure a sustainable development.

- 12 Notwithstanding the details submitted in the Air Quality Report (CS093291-03 dated December 2017) in support of the application, prior to the commencement of development further details on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and due to the sites location within an Air Quality Management Area.

- 13 No works shall take place until 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 within the site, 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.

- 14 Prior to first occupation of the development further details of the proposed access and gate to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime.

Reason: in the interest of safety and security

15 SITE INVESTIGATION AND REMEDIATION

(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

16 Prior to the commencement of development further details of a detailed design and construction method (in consultation with London Underground) shall be submitted to and approved in writing by the local planning authority which:

- provide details on the use of tall plant
- accommodate the location of the existing London Underground structures

The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan consolidated with alterations since 2011 (March 2016) and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

17 Prior to the commencement of development further details of piling and excavation works (in consultation with Network Rail) shall be submitted to and approved in writing by the local planning authority which provide details of:

- Vibro-compaction machinery/piling machinery
- Ground treatment works
- A method statement to include the proposed methods of piling, excavation and construction

All works shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason: to ensure that there is no impact upon critical railway infrastructure

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
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 3 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.

4 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.

5 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.

6 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

7 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.

8 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.

9 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.

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

11 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.

12 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.

13 The applicant is advised to adhere to the principles set out in the Construction Management Plan at all times during construction.

14 The applicant is reminded that they are required to submit the development form to AssetProtectionLNWSouth@networkrail.co.uk and the Party Wall notification (including a plan of the site) to PropertyServicesLNW@networkrail.co.uk

15 The applicant is advised of the following in relation to Thames water:

1. 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.

2. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
3. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of piling.

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