



**RECEIVED:** 27 August, 2008

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** BP Petrol Station, 17-27 Cricklewood Broadway, London, NW2 3JX

**PROPOSAL:** Refurbishment of No. 17 Cricklewood Broadway to provide 53sqm retail unit (Use Class A1) on ground floor and two x two-bedroom and one x one-bedroom flats on the upper floors and demolition of existing petrol filling station and garage buildings and erection of a five-storey building, comprising a 478sqm retail unit (Use Class A1) on the ground floor and 18 new flats on the first, second, third and fourth floors (consisting of 10 x one-bedroom, four x two-bedroom and four x three-bedroom flats), including cycle and bin storage, removal of vehicular accesses onto Cricklewood Broadway and Hoveden Road and provision of amenity space and landscaping to rear, with pedestrian access onto Hoveden Road, NW2

**APPLICANT:** Trevellyan Developments Limited

**CONTACT:** G M K Associates

**PLAN NO'S:**

See condition 2

---

## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Submit a post completion viability assessment at practical completion of the scheme to ascertain what level of Affordable Housing provision can be made.
- (c) A contribution of £3,000 per bedroom, (totalling £96,000 on the basis of a net increase of 32 bedrooms), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Air Quality, Open Space and Sport in the local area.
- (d) A contribution of £5,000, index-linked from the date of committee and due on Material Start, for the maintenance and up-keep of Mapesbury Dell open space and play area.
- (e) Submission and compliance with a Sustainability Implementation Strategy including the Brent Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes (CSH) Level 4 for the residential and BREEAM 'Excellent' for the commercial, with compensation should it not be delivered, and evidence of sustainable materials.
- (f) Improvement of 25% over the Target Emission Rate of Part L of 2010 Building Regulations
- (g) Submit a Construction Method Statement to include measures to adopt and implement the ICE Demolition Protocol, submit and adhere to a BRE/DTI/Other recognised methodology Site Waste

Management Plan to minimise construction waste and sign up and adhere to the Considerate Contractors Scheme.

- (h) Provision of 2.8% CO2 emissions reduction from on-site renewable generation.
- (i) Removal of rights for residents to apply for parking permits
- (j) Submit and adhere to a Delivery and Servicing Plan for the commercial unit
- (k) Enter into a Section 38/Section 278 Agreement for offsite highway works including removing two crossovers on Cricklewood Broadway, one crossover on Hoveden Road, extending the adjoining parking bays across the former access and providing two bicycle stands in public highway for the retail unit and two street trees to Cricklewood Broadway
- (l) Provide training opportunities for local residents as part of a local labour placement under the Construction Training Initiative

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

### EXISTING

The application site is a circa 0.14ha site on the west side of Cricklewood Broadway, housing a three-storey end-of-terrace building, a petrol filling station and a large garage building with a floor space of 530sqm covering the mid-section of the site. This building is used as a garage for car maintenance whilst the ground floor of No. 17 houses the pay-point and shop for the petrol filling station. The rear of the site fronting onto Hoveden Road is used for access to the garage and storage of cars.

The site is located within the Cricklewood Broadway Secondary Shopping Frontage and backs on to Hoveden Road (within the Mapesbury Conservation Area).

### DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

#### Floorspace Breakdown

#### USE

Number	Primary Use	Sub Use
1	dwelling houses	
2	shops	
3	sui generis	petrol filling station
4	sui generis	garages

#### FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	172	172	0	1628	1628
2	0	0		478	478
3	58	0	58	0	0
4	530	0	530	0	0

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	760	172	588	2106	2106

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £73,710.00.

### PROPOSAL

The application proposes to demolish all existing structures between No. 17 and No. 29 Cricklewood Broadway and the erection of a five-storey building fronting onto Cricklewood Broadway with a landscape amenity area to the rear, with a pedestrian access from Hoveden Road.

No. 17, which is within the application boundary, would be refurbished to provide a commercial retail unit

(Use Class A1) at the ground floor and with some minor extensions provide two no. two-bed flats on the first and second floors and a one-bed flat on the third floor. These would have a gross internal area of 57sqm.

The new building would have a retail unit (Use Class A1) with a gross internal area of 478sqm, accessed from Cricklewood Broadway. It would be serviced from the highway at the front of the building. Either side of the retail unit would be two entrances serving the flats on the upper floors, the primary entrance being to the left of the retail unit. This entrance leads to a hall with a lift serving all floors and a corridor through to the amenity space at the rear of the plot. An internal cycle store is provided within a room off that corridor, with storage for 18 bicycles.

To the right of the secondary entrance would be access to the bin store serving both the retail unit and the 18 residential flats above. The flats would comprise 10 no. one-bed flats, four no. two-bed flats and four no. three-bed flats.

A small plant room is provided at the rear of the cycle store and a larger, external, area for plant is provided along the shared boundary with No. 29. This would house the air conditioning units and would have a timber pergola constructed over the area to provide some visual screening.

The amenity area would be laid out with hard and soft landscaping to provide a formal, seated area and a less formal grassed area with screen planting along all boundaries.

The ground floor of the new building would in most parts be farther from the boundaries than the existing structures.

## **HISTORY**

No relevant history

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework**

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

### **London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)**

This applies to relevant developments from 01/04/2012

### ***Local***

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

### ***Brent Unitary Development Plan 2004***

Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

### **Strategic**

- STR1 Housing is the priority land use
- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment

in Brent  
STR15 Major development should enhance the public realm.

### Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.
- BE25 Development in Conservation Areas
- BE28 Open Space in Conservation Areas

### Environmental Protection

- EP2 Noise and vibration
- EP3 Local air quality management
- EP6 Contaminated land

### Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H18 The Quality of Flat Conversion
- H20 Flats Over and Adjoining Buildings in Shopping Centres
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

### Employment

- EMP9 Development of Local Employment Sites

### Town Centres and Shopping

- SH9 Secondary Shopping Frontages
- SH19 Rear Servicing

### Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

### *Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy  
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth  
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making  
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping  
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development  
Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP19 Brent strategic climate mitigation and adaptation measures  
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 21 A balanced housing stock  
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

### ***Brent Supplementary Planning Guidance***

#### *SPG17 Design Guide for New Developments*

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

#### *SPG19 Sustainable Design, Construction and Pollution Control*

## **Regional**

### *London Plan 2011*

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The following chapters are considered relevant to this application:

- 3. Housing
- 5. London's response to climate change
- 7. London's living places and spaces

Draft Housing SPG

## **CONSULTATION**

Local residents, businesses, Ward Councillors and internal and external consultees were consulted on 10 September 2008, along with site notices and press notice. Notification of a 14-day re-consultation was sent on 24 March 2009. The most recent round of consultation, for a full 21 days, was carried out on receipt of revised information. Letters were dispatched 20 July 2012, two site notices were posted on 18 July and a press notice was put in the local paper.

A summary of the responses received to the 2008 (11 objections) and 2009 (3 objections, no new objections) consultations follow:

- Loss of privacy, light and outlook
- Overshadowing of garden
- Impact on conservation area
- Impact on Mapesbury Dell
- Impact of traffic congestion and servicing from Hoveden Road
- Impact of overspill parking
- Density of development
- Noise and disturbance, air pollution, light pollution
- Loss of security
- Petrol station is an amenity and should be kept
- Impact on property values

To date, five objections have been received to the 2012 consultation, which are summarised as follows:

- Retail use not suitable in residential area
- A Tesco Express would adversely affect existing businesses
- The petrol station is an amenity and should be kept
- Consider removing the retail use to shorten the shopping frontage and help support the remaining units
- Problem of high density development, studio flats and a transient population
- Problems with existing operation – E/11/0375
- Five storey building out of keeping bulky and with the character of the area
- Increased noise and disturbance from traffic and from retail unit
- Impact of overspill parking
- Concerned about rear amenity space being used for parking
- Loss of security due to increased use of rear amenity space

Your officers will report any further responses in a supplementary report.

Where two or more responses are received from the same address it is counted as one objection.

## REMARKS

The key planning considerations are:

1. Principle
2. Visual impact
3. Housing in terms of density, mix, tenure and quality
4. Impact on neighbouring amenity
5. Landscape and amenity
6. Parking, access and servicing
7. Other
8. Response to objectors

### 1. **Principle**

The proposed development accords with the intention of strategic policy STR1 of the adopted Unitary Development Plan 2004 (the UDP), which states that outside of Borough or Strategic Employment Areas, housing is the priority alternative land use, unless otherwise indicated.

The site contains an active employment use and as such policy EMP9 *Development of Local Employment Sites* is applicable. Policy EMP9 seeks to retain small employment sites dispersed across the borough as sources of local job opportunities and normally only allows their change of use if there is an unacceptable environmental problem with the existing use or if there is no effective demand for the premises. The petrol filling station is not considered to cause unacceptable environmental problems though in the past some complaints have been received about the operation of the garage to the rear; in the consultation responses to this application some residents have reported problems with vehicles parking on land at the rear of the site. Your officers have given significant weight to the provision of commercial floorspace on the ground floor in this proposal, albeit the space is for retail (use class A1) as opposed to business (use class B1) and have also given significant weight to the recently-published National Planning Policy Framework and in particular paragraph 51 which states that local planning authorities "should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate" (CLG, March 2012: p13).

The site lies within a Secondary Shopping Frontage and as such a mixed use scheme which provides commercial on the ground floor is supported. Core Strategy policy CP2 *Population and Housing Growth* plans for population growth of between 25,000 and 28,000 people by 2017 by providing 11,200 additional homes by 2017; providing those homes is a borough priority objective (Objective 7: to achieve housing growth and meet housing needs).

The redevelopment of the site for housing-led mixed uses would also accord with one of the principle objectives of the London Plan 2011 to increase housing supply (Policy 3.3 *Increasing Housing Supply*).

Your officers are satisfied that redevelopment of this previously developed land for mixed use retail and residential is appropriate and fully complies with the relevant national, regional and local policies, specifically the NPPF, London Plan policy 3.4 *Optimising Housing Potential* and strategic policy STR3 of the UDP, which seek to optimise the use of previously developed land.

### 2. **Visual impact**

The main new works comprise the five-storey building, for which greater detail is given below. There are also some extensions proposed to the upper floors of No. 17, involving in-filling the void to the side of the rear projection. Whilst this sort of development is not normally supported, this is usually due to its impact on the outlook for neighbouring properties and its incongruous appearance. In this instance the in-filling of the void would be seen as part of a wider redevelopment and not, therefore, as an incongruous addition. The works to No. 17 are considered acceptable in terms of visual impact.

#### *2.1 Bulk and scale*

The building would be positioned between No. 17, the northern-most end of a terrace of three- and four-storeys with a pitched roof rising to approximately 15m and No. 29, the southern-most end of a



terrace of three-storeys with a parapet front rising to approximately 11.5m.

The new building would be five-storeys in height, or approximately 15.5m overall at its mid-point. To the parapet of the fourth, penultimate, floor it would be about 13m high. It would be 25.5m wide on its Cricklewood Broadway frontage, with a 20m wide central section which is emphasised by a small (approximately 1m) set-back for the entrances and staircores. This central section would also be slightly taller to its main parapet, which would be approximately 13.5m high.

The building would fill almost the full width of the available plot but would not adjoin No. 29 as it would be set-in from the shared boundary by approximately 2m which, combined with No. 29's set-in of 1m, results in a 3m gap between the flank elevations. This is considered beneficial due to the step down in height between the five-storey building and the three-storey parade of which No. 29 is the first unit; this gap therefore helps make the transition between the 11.5m high No. 29 to the 13m high parapet, at which point the proposed building steps-in from the boundary a further 1.2m before rising to the 15.5m high top floor.

The new building would adjoin directly with No. 17, which is about half a metre lower than the proposed building. The top floor is set-back by 3m at the junction with No. 17 to ensure the top floor does not jar with the gable front and pitch roof of No. 17.

In terms of bulk and scale the building is considered acceptable.

## 2.2 Design

The design of the building is simple, with a reconstituted stone ground floor frontage pieced with aluminium framed shop windows giving way to brick-faced upper floors with reconstituted stone detailing (cills, soldier course, coping) and topped with a recessed top floor clad in powder-coated metal panels. This simple design is considered entirely appropriate for the location, which is a pleasant if slightly run-down area of formerly grand parades of shops and flats. The proposed building would be a polite modern intervention into this series of parades and, subject to further details of the materials to be used to face the building and to provide detail, including windows, the scheme is considered acceptable in terms of design.

## 2.3 Impact on Conservation Area

The eastern boundary of the Mapesbury Conservation Area runs through the site from north to south, so whilst the building itself is outside the conservation area, it can be considered to have an impact on views out of the area and as such policy BE25 *Development in Conservation Areas* is applicable. The rear of the building would be visible from the rear gardens and houses along Walm Lane and Hoveden Road, but the location of the building means that its relationship with the conservation area is limited: it would not, for example, alter views into the conservation area given the presence of the existing large metal-clad garage building.

The rear of the building is not as detailed as the front elevation, however that is to be expected and it compares favourably with the unattractive rear elevations of the existing neighbouring properties. The rear elevation is stepped to break down the mass of the building and the upper floors are set back from the edge of the ground floor by about 8m and the top floor is also recessed and clad in a different material. All this serves to reduce the visual impact of the building and, subject to further details of the materials to be used, the proposal is considered to preserve the character of the conservation area.

## 3. Housing

### 3.1 Density

The development proposes a total of 21 units, comprising 18 new units (10 no. one-bed flats, four no. two-bed flats and four no. three-bed flats) and three refurbished units (one no. one-bed and two no. two-bed), as set out in Table 1, below.

<i>Beds</i>	<i>Habitable rooms</i>	<i>Number</i>	<i>Total habitable rooms</i>	<i>% of units</i>
1 bed	3	11	33	52%
2 bed	4	6	24	29%
3 bed	5	4	20	19%

		21	77	
--	--	----	----	--

**Table 1: Accommodation schedule**

National, regional and local policies seek to optimise the potential of the site, with the NPPF and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the housing potential of a site taking account of local context, London Plan design principles and public transport capacity. The recently adopted Core Strategy policy CP6 seeks to ensure developments have proper regard to the London Plan and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

For the purposes of calculating density (a) the site area includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004) and (b) habitable rooms include kitchens over 13sqm, bed-sitting rooms are counted as 1.5 habitable rooms and a room which is larger than 18sqm is counted as two habitable rooms (p.288, Glossary, UDP 2004).

The site is 0.1679ha in size, with a total of 21 new or refurbished units proposed. The number of habitable rooms is 77 (on the basis of each kitchen/dining/living room counting as two habitable rooms), giving a density of 459hrh.

The site is located in an urban location with good access to public transport (PTAL4), and is well-served with local amenities. London Plan guidance in Policy 3.4 Optimising Housing Potential and table 3.2 (London Plan 2011: p.85) is 200-700hrh for this location. As such there are no concerns regarding the density of the scheme in principle but as previously advised and as set out in policy H13 Residential Density, “ the primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land (particularly on previously used sites) and meets the amenity needs of potential residents” (UDP 2004: p93).

### 3.2 Mix and tenure

The application proposes 100% market housing and is supported by a toolkit which demonstrates that it is not financially viable for the development to provide any affordable housing. Your officers have assessed this toolkit and are satisfied that in this case the proposal complies with London Plan policy 3.12 *Negotiating affordable housing on individual private residential and mixed use schemes* which states that “the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to, amongst other things, the need to encourage rather than restrain residential development (London Plan policy 3.3 *Increasing housing supply*) and the specific circumstances of individual sites.

In this case the figures provided within the toolkit on land value, build costs and sales values are considered reasonable; in particular site has a relatively high existing use value. The applicant has agreed, however, to suitable clauses being included within a s.106 agreement to allow the finances of the scheme to be reappraised prior to the occupation of the flats, with the toolkit updated to reflect actual costs and values, in order to determine whether an affordable housing contribution can be made by the scheme at the time of implementation.

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise 19% of the units, rising to 26% of habitable rooms. This is in general accordance with the objectives of Core Strategy policy CP2 that states at least 25% of all new homes built within the plan period should be family sized accommodation of three bedrooms; a lesser provision is considered acceptable given the site’s characteristics on a busy main road and reliance on communal amenity space.

### 3.3 Residential quality

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

The refurbished units are subject to policy H20 *Flats Over and Adjoining Buildings in Shopping Centres* whereby a more flexible approach towards development standards can be taken. In this case the two-bed units would only marginally fail to meet the London Plan minimum space standards and would be

arranged so that each unit would be dual-aspect and would avoid vertical stacking of incompatible uses.

The proposed flats are all single aspect, facing south-west and north-east, accessed from a central corridor. This is contrary to the objectives of the Mayor's draft *Housing Supplementary Planning Guidance*, which was published for public consultation on 1st December 2011. Once adopted, the new Housing SPG will replace the 2005 SPG and the 2010 Interim Housing SPG; however at present those other SPG remain in force.

The draft Housing SPG provides greater detail on the quality of accommodation and homes as places of retreat. Standard 5.2.1 states that "*developments should avoid single aspect dwellings that are north-facing, exposed to noise exposure categories C or D, or contain three or more bedrooms*" (GLA 2011: p63)

Whilst your officers have given weight to the Mayor's draft Housing SPG, your officers consider the proposal to be acceptable for the following reasons: (1) 'north facing' is defined in the draft SPG as an orientation less than 50 degrees either side of due north. The north-east facing units proposed here are approximately 50 degrees east of north and would thus benefit from some morning sunlight; (2) the units would have a broad outlook across the A5 which is 24m wide at this point, or 30m to the opposite upper floors; and (3) the units are one bedroom units with a maximum depth of 7.5m and a frontage of 6.2m, so neither room to the flats would particularly suffer from a lack of daylight.

The flats are well laid out and although some fall below the minimum space standards set out in London Plan policy 3.5 *Quality and Design Of Housing Developments*, the failures are marginal (one-bed flats at 47sqm instead of 50sqm, two-bed flats at 59sqm instead of 61sqm) and are considered acceptable in the context of the site's characteristics. Each flat would have good-sized living accommodation with good outlook and privacy.

External factors such as noise disturbance from Cricklewood Broadway are not likely to be detrimental to the living standards of future occupants provided standard precautions such as double glazing are provided; a standard restrictive condition to ensure internal noise levels do not exceed the usual norms is proposed.

#### 3.4 Summary

Your officers are satisfied that the scheme would provide a good mix of accommodation at a density suitable for this type of suburban location and would, as a result, offer a good living environment for future occupants.

### 4. **Impact on neighbouring amenity**

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

#### 4.1 Outlook

The proposed five-storey block is of a similar scale to the units to the south, with the exception of (i) the flat roof instead of a pitched roof; and (ii) the rear elevation extending back approximately 4m and 5.5m farther back.

The building would fully comply with the 30 degree plane, which means the bulk and scale of the building meets the Council's normal standards when viewed from inside neighbouring properties. When viewed from the end of the neighbouring gardens, however, part of the southern corner of the building would marginally fail the 45 degree plane, with the worst-case relationship being that of the roof of the top floor when viewed from the end of the garden of No. 197 Walm Lane; the roof lies within a plane of 50 degrees instead of 45 degrees.

Your officers have considered this small failure in the context of the site characteristics. At present the site accommodates a large commercial unit, which the submitted survey information shows is 5.2m to eaves and 6.7m to its ridge. This substantial building is located close to the site boundary and this development would result in the demolition of the structure. Within the garden of No. 197 there is a large tree which provides screening. On balance the marginal failure of the building to comply with the 45 degree plane can be accepted given these characteristics.

#### *4.2 Privacy*

The rear windows serving the block would be over 20m from the nearest habitable room window, which is on the rear of No. 195 Walm Lane and is approximately 22.5m distant; this complies with the standards within SPG17. The use of the roof of the ground floor unit as a terrace for two of the flats does give rise to some risk of overlooking, to the north and to the south-west, however your officers are satisfied that this can be overcome with the submission of further details of the means of enclosure to the terraces and using planters to ensure future occupants cannot look directly into neighbouring garden.

#### *4.3 Sunlight, Daylight*

The block is located to the east of houses on Walm Lane and Hoveden Road, and to the north-east of those houses and gardens closest to the development (195 & 197 Walm Lane). As a result it is unlikely that the block would result in the loss of sunlight and daylight for the residents to the south and west. Your officers are satisfied that the block, by virtue of its height and relationship with neighbouring properties and gardens, would not result in any material loss of sunlight or daylight.

#### *4.4 Summary*

Your officers are of the view that the layout, scale and design of the development would not lead to any significant loss of privacy for existing properties, subject to appropriate landscaping and fencing. The separation distances will also mean that existing and proposed residents will retain and achieve reasonable daylight, sunlight and outlook which complies with policies BE9 of the UDP 2004 and guidance contained in SPG17 'Design Guide for New Development', in the context of the existing relationships.

### **5. *Landscape and amenity***

#### *5.1 Amenity space*

The application is supported by a drawing titled Landscape Proposals (drawing 268-02 Rev B) prepared by Bradford-Smith landscape architects. This shows a landscaped area to the rear of the building, extending to some 440sqm, which would provide the bulk of the communal amenity space for the development. This equates to 24sqm per unit, which is in excess of the minimum 20sqm normally sought by SPG17.

Some units have access to private amenity space as well, utilising the roof of the commercial unit and the roof of the third floor to provide some terraces. This adds a further 185sqm to the total amenity space for the site.

Any elevated amenity space will need to be designed to avoid overlooking of neighbouring properties and gardens; in this case the application proposes setting the edge of the amenity space in from the edge of the building and providing screening and planting. Further details of this will be secured by condition and it may be necessary to reduce the extent of the amenity space above the commercial unit to ensure the privacy of adjoining residents is not harmed to an unacceptable extent.

#### *5.2 Soft landscaping*

An indicative landscape scheme has been provided which shows areas of grassed amenity space with shrub planting around the boundaries. Six trees are also indicated. Your officers are satisfied with the intention however further details to include a planting plan and landscape management plan should be required by condition. Conditions should also be imposed to secure details of any lighting, to ensure neighbouring amenity is not harmed by light pollution, and so secure details of the means of enclosure (the boundaries themselves) and on the treatment of area between site and Hoveden Road, to prevent parking (see section 6.2, below)

### 5.3 Childrens' Play Area

Policy OS18 requires an on-site childrens' play area for schemes of over 15 units; the application does not propose any such area within the scheme and your officers are satisfied that this is appropriate given the fact the amenity space is enclosed by neighbouring gardens and houses in close proximity. The childrens' play area in the nearby Mapesbury Dell is available for local residents and the applicant has agreed to a financial contribution of £5,000 towards the maintenance of the Mapesbury Dell, in addition to the standard charge, which your officers find acceptable.

## 6. **Parking, access and servicing**

The application is accompanied by a Transport Assessment (Structa, 4 May 2012, ref: 1725-R001 Rev B).

The site is located on Cricklewood Broadway, which is a London Distributor Road (the A5). There is no on-street parking from Monday to Saturday 7am to 7pm and there are loading restrictions from 7am to 10am and between 4pm and 7pm. There is a bus lane which starts close to the site.

Hoveden Road, to the rear, is a local access road within the Mapesbury Conservation Area and is subject to Controlled Parking Zone (CPZ) MC. Night-time parking on Hoveden Road is low.

The site is close to Cricklewood Broadway town centre and has good access to public transport, scoring a PTAL level of 4.

### 6.1 Parking

No off-street parking is provided and some residents have raised concerns about overspill parking. A car-free development can be considered in this location given the good access to public transport and as local roads are subject to a Controlled Parking Zone. As such the applicant has agreed to a clause within a s.106 agreement to prevent occupants of the flats from securing parking permits for the CPZ. Your officers are satisfied that this is acceptable in this location, subject to the permit-free clause extending to include the refurbished properties within No. 17.

### 6.2 Access

Some residents have raised concerns about the use of the rear access for vehicles and parking within the amenity space. The rear access from Hoveden Road would be closed to vehicles and the pavement re-instated at the applicant's expense. Within the detail of the hard and soft landscaping proposals (see above), your officers will seek to ensure the means of enclosure of the former Hoveden Road access is suitably secure, permanent and visually acceptable given it lies within the conservation area: at present a 1.8m high close-boarded fence is proposed (see drawing 268-02 Rev B). A wall, high enough to discourage climbing but far enough back from the highway to avoid it having an overbearing impact on No. 1 Hoveden Road, with a secure gate for pedestrian access, would seem to be appropriate for this location. There will also need to be some means of preventing parking on the space between the highway and the proposed boundary, such as bollards or preferably a scheme of soft landscaping. This will be secured by condition (see section 5.2).

### 6.3 Servicing

The site constraints mean that the commercial unit would be serviced from Cricklewood Broadway, which is usually resisted as Cricklewood Broadway is a London Distributor Road and the servicing arrangement could be considered contrary to policies TRN34 and SH19 of the UDP, which seek rear servicing for new developments. The applicant has provided some further information on servicing to show how the impact on Cricklewood Broadway can be minimised, by limiting the number and timing of deliveries to the site. Transport for London have not raised any objection to the servicing proposal, provided it is undertaken in accordance with existing on-street restrictions. The bus lane on this side of the carriageway does not start until farther north, so any deliveries would not block the bus lane.

In order to ensure the proposed servicing arrangements are adequate to cope with the demands and needs of a large retail unit, your officers propose to secure a Delivery and Servicing Plan within a s.106 legal agreement; this plan should be designed to minimise the number of delivery vehicles and schedule them to arrive outside peak hours, with a system of fines for vehicles that fail to comply. This should also contain an undertaking that no trolleys or cages used for delivery or removal of boxes are stored on the

pavement; any such trolleys or cages should be immediately taken into the store and not block the pavement at any time.

Storage for refuse and recycling for both the residential and the commercial unit would be provided within the building, with access for residents via a door from the hallway of the secondary entrance and access for collections from the highway. The commercial unit would be able to access the store room from within the store. This is considered acceptable.

Subject to a clause within the s.106 agreement, the servicing arrangements are considered acceptable.

#### 6.4 Cycling

Cycle storage for 18 bikes would be provided in the new build block, accessed from the main entrance hall. This provision of one space per flat meets the relevant standards in the UDP and is considered acceptable. No cycle parking is proposed for the refurbished flats on No. 17, which is considered acceptable given the constraints of providing suitable secure storage space in such properties.

Two bicycle stands are proposed to the front of the block for visitors to the retail unit.

The cycle storage provision is considered acceptable.

#### 6.5 Summary

Subject to a number of conditions and s106 obligations, the proposed development complies with the relevant UDP policies in respect of highways and transportation.

### 7. Other

#### 7.1 Sustainability

Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures and the GLA's London Plan 2011 policies within Chapter Five London's Response to Climate Change.

The application is accompanied by a document titled Cricklewood Energy Statement (Foreman Roberts, 8 May 2012) and a completed Brent Sustainability Checklist (Form TP6).

The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising Carbon Dioxide Emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

The adopted Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* sets requirements for mitigating and adapting to climate change and achieving sustainable development, and in particular requires all major schemes (those providing 10 or more residential units) to meet code Level 3 of the Code for Sustainable Homes (CSH) Assessment, or Level 4 in the defined Growth Areas.

In line with the London Plan Energy Hierarchy (Be Lean, Be Clean, Be Green), the use of low carbon technologies has been reviewed, with airsource heat pumps deemed to be the most suitable for use within this development. The inclusion of this technology provides over 25% reduction in the Part L TER and therefore complies with the minimum requirements of CSH Level 4.

The Energy Statement states that, due to the nature of this development, in particular its urban location and especially with regards to the compact and residential nature of the site, it is not feasible to provide significant sources of renewable energy. Some photovoltaic panels can be provided on the roof space and 15 no. PV panels are proposed on the upper roof level, giving a further 2.8% of carbon reduction for the development.

Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control 2003* require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 52% can be

achieved, although officers have queried that score and are working with the applicant to improve the score. There are measures the applicant could take to increase that score and these shall be reported to Members in a supplementary report; subject to receiving this, your officers have given significant weight to the fact the proposal is designed to meet CSH Level 4, which exceeds the policy requirement for this type of development in this location of CSH Level 3; your officers are satisfied that the scheme can achieve the objectives of SPG19.

### *7.2 Air quality*

The site lies in an Air Quality Management Area (AQMA) as defined in the UDP (policy EP3 and SPG19) and air quality can be a material consideration in development control decisions as set out in the NPPF; the borough Environmental Health officer recommends a condition be imposed to ensure a Construction Method Statement and appropriate dust and fine particles control measures are in place during works. The applicant has also agreed to sign up to the ICE Demolition Protocol and the Considerate Contractors Scheme.

### *7.3 Crime & antisocial behaviour*

Some residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime; in this case the redevelopment of a commercial site for residential purposes would mean a site which would otherwise be vacant at night would be well-observed and opportunities for crime might well decrease.

### *7.4 Noise and disturbance*

The application proposes some plant, particularly air conditioning units, to be placed alongside the boundary with No. 29. This has the potential to cause disturbance for neighbouring residents and as such a condition has been imposed which will require the submission for approval of further details of all external plant, including details of the expected noise output, prior to the installation of any such equipment. This will give your officers, in consultation with your Environmental Health officers, to assess the plant before its installation.

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level, although this has in mind noise-generating development such as industrial uses or transport. Development for residential purposes can cause additional noise but it is necessary to consider the existing use and the site characteristics; your officers do not expect this development to materially harm the amenity of neighbouring residents in terms of noise and disturbance.

### *7.5 Ground Investigations*

The development proposes removing a garage and petrol filling station and replacing with a more sensitive end use. The NPPF requires that the site is suitable for use, and places responsibility with the developer. This is controlled via the planning process which requires phased assessment to be undertaken for review and approval by the Local Authority and in accordance with policies BE12 (h) *Sustainable Design Principles*, EP6 *Contaminated Land* and Supplementary Planning Guidance No. 19: *Sustainable Design, Construction and Pollution Control*. Environmental Health officers recommend imposing conditions to ensure that (1) the tanks for the petrol filling station are removed carefully; (2) any contamination is identified by a ground investigation after demolition has occurred; and (3) a remediation strategy is prepared, implemented and checked before occupation of the properties.

## **8. Response to Objectors**

Most of the concerns raised by objectors have been addressed in the above sections.

A resident has objected on the grounds that the petrol station is an amenity and should be kept; Brent Council has no policy which protects petrol filling stations and as such your officers have no in-principle objection to the loss of the petrol station. Another resident has objected that the retail use is not suitable in residential area; the site lies within a Secondary Shopping Frontage and your officers consider the site is well-suited for a mixed use development; similarly a resident has asked that officers consider the need for the retail unit as a shorter length of shopping frontage could be more vibrant. Your officers are satisfied that the proposal before them meets the relevant local policies and as such see no reason to refuse a scheme which proposes retail

space in this location. A resident has objected on the ground of the identity of the tenant of the retail unit; your officers do not consider that the identity of the tenant is a material planning consideration. Finally an objection has been received on the ground of the impact on property values; this is not considered a material planning consideration in this case.

## **9. Conclusion**

The proposal would provide a meaningful contribution to Brent's and London's housing requirement, pursuant to policies CP2 *Population and Housing Growth* of the Core Strategy and London Plan 2011 policy 3.3 *Increasing Housing Supply*. Despite it being a flat block on a tight in-fill site the proposal provides 19% family accommodation with some private amenity space and it removes a commercial activity which currently encroaches into the Mapesbury Conservation Area. The development would result in a mix of uses whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the character of the Mapesbury Conservation Area. The scheme is judged to be sustainable development which optimises the use of previously developed land for housing and as such is in general accordance with the objectives of the National Planning Policy Framework, the London Plan 2011 and the Brent development plan documents and approval is recommended.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Core Strategy 2010  
Brent Unitary Development Plan 2004  
Regional Guidance - London Plan 2011  
Central Government Guidance - NPPF  
Council's Supplementary Planning Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

## **CONDITIONS/REASONS:**

- (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):

*Site Location Plan Rev A*



*Block Plan Rev A*  
 05020-01 *Topographical Survey*  
 09 Rev A *Existing Front and Rear Elevations*  
 12 Rev B *Proposed Alterations Floor Plans and Elevations*  
 21 Rev D *Coloured Front Elevations*  
 22 Rev C *Coloured Rear Elevations*  
 23 Rev B *Existing and Proposed Building Footprints*  
 24 Rev B *Existing and Proposed Sectional Elevation*  
 30 Rev A *Coloured Site Layout/Ground Floor Plan*  
 31 Rev A *Coloured First, Second, Third and Fourth Floor and Roof Plans*  
 108 Rev B *Site Layout, Ground and First Floor Plans*  
 109 Rev A *Front and Rear Elevations*  
 110 Rev A *Second and Third Floor Plans, Sections A-A and B-B*  
 111 Rev A *Fourth Floor and Roof Plans, Side Elevations*  
 120 *Access for All and Lifetime Homes Compliance Diagrams*  
 121 *Access for All and Lifetime Homes Compliance Diagrams*  
 122 *Access for All and Lifetime Homes Compliance Diagrams*  
 123 *Access for All and Lifetime Homes Compliance Diagrams*  
 124 *Access for All and Lifetime Homes Compliance Diagrams*  
 268-02 Rev C *Landscape Proposals*

Cricklewood Energy Statement (Foreman Roberts, 8 May 2012)  
 Planning, Design and Access Statement (GMK, 22 May 2012)  
 Site Investigation Report (8 August 2007)  
 Schedule Of Accoustic Values For Residential Units (GMK, ref: 2022 SK-2)  
 Transport Assessment (Structa, 4 May 2012, ref: 1725-R001 Rev B)  
 Viability Report (02 July 2012)  
 Sustainable Development Checklist

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

- (3) The opening hours of the new retail unit shall be limited to between the hours of 06.00 and 23.00 Mondays to Sunday.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) No part of the development shall be occupied until the two existing crossovers to the front of the site (to the A5) and the existing crossover at the rear of the site (to Hoveden Road) rendered redundant by this development have been reinstated to footway at the developer's expense.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (5) All the residential premises shall be designed in accordance with BS8233:1999 '*Sound insulation and noise reduction for buildings-Code of Practice*' to attain the following internal noise levels:

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range L<sub>Aeq, T</sub></i>
Good resting conditions	Living rooms	30 dB (day: T =16 hours 07:00 – 23:00)
Good sleeping conditions	Bedrooms	30 dB (night: T = 8 hours 23:00 – 07:00) L <sub>Amax</sub> 45 dB (night 23:00 – 07:00)

No part of the development shall be occupied prior to submission to and approval in writing of the results of a sound test which demonstrates that the above required internal noise levels have been met. The sound insulation measures shall be retained thereafter for the lifetime of the development.

Reason: To obtain required sound insulation and prevent noise nuisance harming the amenity of future occupants

- (6) Prior to commencement of any construction work, excluding demolition and site clearance, is commenced, further details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include samples of the following:

- (i) bricks
- (ii) colour sample of the metal cladding and metal coping
- (iii) sample of stone and/or reconstituted stone
- (iv) colour sample of the aluminium windows

and manufacturer's literature for the following:

- (v) steel lintels to windows
- (vi) metal cladding
- (vii) glazing for entrance, including canopy
- (viii) shop front/aluminium stall risers
- (ix) windows

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

- (7) No works shall commence, including any works of demolition or site clearance, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period. At no time shall any access be provided to the site for construction purposes from Hoveden Road. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

- (i) the construction vehicle access, which shall not be from Hoveden Road;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site;
- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development, to avoid the root protection zones of retained trees either on or off the site;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities to be installed prior to commencement of any works;
- (viii) measures to control the emission and mitigate the against the impacts of dust and fine particles during construction; and
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway of the A5 is not blocked during the works and in the interests of local Air Quality Management Area objectives.

- (8) Notwithstanding any details of landscape works referred to in the submitted application, a detailed scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority before any construction work, excluding

demolition and site clearance, is commenced. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Such a scheme shall include:

- (i) all areas of soft landscaping and planting including screen planting along the boundaries;
- (ii) provision of six trees as shown on drawing 268-02 Rev B or in similar locations, including drought resistant native trees;
- (iii) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (iv) cross sections of the green roofs to show the construction of the green roof and in particular the depth of soil and details of the plants;
- (v) existing contours and any proposed alteration to ground levels such as earth mounding or removal; and
- (vi) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works: these should be of a permeable construction

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 and ensure that it enhances the visual amenity of the area and to ensure the privacy of neighbouring occupants is maintained.

(9) Tree protection

- (10) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority before any construction work, excluding demolition and site clearance, is commenced and shall be implemented within a timescale to be agreed with that approval.

This should comprise a maintenance schedule and any specific management duties and such details may include:

- (i) Regular watering of trees/shrubs, especially during dry periods in the first two years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The landscaping shall be maintained in accordance with the approved Landscape Management Plan for the duration of the lifetime of the development.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant

and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (11) Prior to commencement of any construction work, excluding demolition and site clearance, further details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved for the lifetime of the development.

Such details shall include:

- (i) type of boundary treatment, e.g.; wall, palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details; and
- (v) any alterations, extensions or repairs to existing boundaries especially the boundaries with neighbouring gardens.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the Conservation Area

- (12) Prior to commencement of any construction work, excluding demolition and site clearance, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter for the lifetime of the development. Such details shall include:

- (i) all lighting for the site, including the pedestrian access from Hoveden Road, the communal amenity space, building security lights (if any) and terrace lighting;
- (ii) the output of each light and a site-wide light-spill (illuminance) diagram; and
- (iii) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

Reason: To ensure that the site is safely lit for pedestrians and vehicles and to ensure such illumination does not prejudice the amenities of future or neighbouring residents, given the backland nature of the development.

- (13) Prior to the installation of any plant (such as refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction systems), further details of such apparatus including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include:

- (i) a survey of existing background noise levels undertaken prior to the commencement of the development;
- (ii) the predicted noise levels from any plant (e.g. refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction system) together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises: the method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (iii) a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (14) Prior to commencement of any construction works and following the demolition of the petrol station and removal of the fuel infrastructure including tanks, fuel lines and pumps from the site, a site investigation to determine the nature and extent of any contamination present, carried out in accordance with the principles of BS 10175:2011, shall be submitted to and approved in writing by the Local Planning Authority to determine the nature and extent of any soil contamination present. The site investigation shall:
- (i) demonstrate that no residual hydrocarbons remain on site at levels above agreed concentrations;
  - (ii) include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and
  - (iii) include a Remediation Strategy containing an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users

If required, 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. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The strategy must 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 and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

- (15) No part of the development shall be occupied until the measures identified in the approved remediation strategy have been completed in full and a verification report that demonstrates that the remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use has been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority has previously confirmed that no remediation measures are required .

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.

#### **INFORMATIVES:**

- (1) The applicant is advised that during demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice BS5228:2009 shall be employed at all times to minimise the emission of noise from the site
  - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
  - Vehicular access to adjoining premises shall not be impeded
  - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
  - No waste or other material shall be burnt on the application site
  - A barrier shall be constructed around the site, to be erected prior to work commencing

- A suitable and sufficient means of suppressing dust must be provided and maintained
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017