

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

24 June, 2020  
03  
19/4545

## SITE INFORMATION

RECEIVED	27 December, 2019
WARD	Queensbury
PLANNING AREA	
LOCATION	1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ
PROPOSAL	Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to twelve storeys comprising residential units and commercial floorspace, and the erection of a part two part three storey commercial building with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.
PLAN NO'S	Please see Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_148363">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_148363</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/4545" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:

- A. Any direction by the London Mayor pursuant to the Mayor of London Order
- B. Any direction by the Secretary of State pursuant to the Consultation Direction
- C. The prior completion of a legal agreement to secure the following planning obligations:

- 1. Payment of legal fees and other professional costs
- 2. Notification of material start 28 days prior to commencement
- 3. Affordable housing (to comprise 54 units at London Affordable Rent and 86 units for Shared Ownership) with appropriate post implementation review mechanism
- 4. Carbon Off-setting scheme. Revised Energy Assessment at detailed design stage and post-completion. Two-stage contribution towards Brent's carbon offsetting scheme to achieve the London Plan targets for carbon reduction, should those targets not be met through on site measures. BREEAM Completion Certificate evidencing BREEAM Excellent status for commercial floorspace. Sustainability mitigation if above measures not met
- 5. Revised Travel Plan
- 6. S38 and S278 works
- 7. Financial contribution (exact amount to be agreed) towards introduction of a Controlled Parking Zone
- 8. Parking permit restrictions
- 9. Financial contribution to Transport for London towards public transport improvements (comprising £30,000 contribution to bus stop relocation and £106,000 contribution towards Colindale Station upgrade)
- 10. Training and employment of Brent residents
- 11. Financial contribution of £15,000 towards improvements to off-site amenity space and play provision.

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

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

### Conditions

#### *Compliance*

- 1. 3 year time limit
- 2. Approved plans and drawings
- 3. Withdraw permitted development rights for C3 to C4 small HMOs
- 4. Block F to be retained as industrial floorspace
- 5. Number of residential units
- 6. Quantum of commercial floorspace
- 7. Withdraw permitted development rights for conversion of office to residential use
- 8. Residential units to comply with wheelchair accessible (10%) or accessible and adaptable (90%) standards
- 9. Electric vehicle charging points to be provided prior to occupation or use
- 10. All parking etc to be provided prior to occupation or use
- 11. Restrictions on non-road mobile machinery

#### *Pre-commencement*

- 12. Phasing plan
- 13. Construction Logistics Plan
- 14. Construction Management Plan
- 15. Tree protection measures

#### *Pre-construction*

- 16. Investigation of contaminated land
- 17. Detailed basement sections
- 18. Materials samples

### *Pre-occupation*

19. Remediation and verification of contaminated land
20. Details of cycle parking
21. Details of future connection to district heating network
22. Details of play areas
23. Details of PV panels and air source heat pumps
24. Details of CCTV
25. Delivery and servicing plan
26. Parking design and management plan
27. Commercial kitchen extract ventilation
28. Details of sound insulation between commercial and residential premises
29. Residential noise levels
30. Details of external lighting
31. Plant noise assessment

### Informatives

1. CIL Liable development
2. Protected species
3. Asbestos
4. Notify Highways before commencement
5. London Living Wage
6. Party Wall matters
7. Soil quality
8. Fire safety standards
9. Construction hours
10. Any other informative(s) considered necessary by the Head of Planning

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

5. That, if by the application "expiry date" the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

## **SITE MAP**

	<b>Planning Committee Map</b>
	Site address: 1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ © Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.



## **PROPOSAL IN DETAIL**

Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to twelve storeys comprising 501 residential units, eight three storey mews houses, and the erection of a part two part three storey commercial building, providing a total 4,051sqm of commercial floorspace (Use Classes B1(a),(b) and (c), B8, D2 and A3) across the site with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.

The proposed layout on the main site consists of five linear north-south orientated residential blocks, with business uses at ground level (with mezzanine levels in Blocks C and D) fronting onto Capitol Way to the south, and a residential mews terrace running along the northern edge of the site. The satellite site would contain a building for industrial use.

Four communal landscaped courtyards are proposed and would be enclosed by the residential blocks and linked via internal pathways. Additional shared amenity space would run north to south along the eastern boundary. A basement level car park would be accessed via Capitol Way and would provide 114 residential car parking spaces and 624 residential cycle parking spaces (in addition to 198 cycle parking spaces provided at first floor level). A one-way surface level service road through the site would be provided for servicing, delivery and emergency vehicles, with access from Capitol Way and egress onto Stag Lane. A further 12 car parking spaces would be provided at street level for commercial use.

## **EXISTING**

The existing site is in two parts. The main site is bounded to the west by Stag Lane, to the north by single storey trade retail units on the south side of Carlisle Road, to the east by similar units forming part of Capitol Industrial Park, and to the south by the northernmost spur of Capitol Way. The site is currently occupied by a single storey vacant warehouse building.

The smaller satellite site is to the south of the main site, bounded to the west by Stag Lane, to the north by Capitol Way at its junction with Stag Lane, and to the east and south by a vehicle showroom and service centre. It is currently bounded by a metal paling fence and consists of an area of hardstanding.

The surrounding area includes the remaining single storey industrial units further south on Capitol Way and to the north on Carlisle Road, traditional residential areas to the west and south around Stag Lane and a large-scale modern housing-led development known as TNQ to the east (LPA ref 08/2823).

The site is designated as a Locally Significant Industrial Site and covered by an Article 4 Direction removing permitted development rights for changes of use from Office / Industrial / Warehousing to residential.

## **AMENDMENTS SINCE SUBMISSION**

Amended plans were received on 26 March 2020 and 13 May 2020 in response to comments from the Highway Authority and Transport for London:

The Proposed Ground Floor Plan was amended on 26 March 2020, removing one of six proposed on-street servicing bays on Capitol Way as the use of this bay would require service vehicles to turn around on the road.

The Proposed Basement, Ground Floor and First Floor Plans were amended on 13 May 2020, enhancing cycle storage and providing a cycle repair and pump station on site.

These amendments did not materially alter the scheme and did not require a further period of consultation.

## **SUMMARY OF KEY ISSUES**

The key planning issues for Members to consider are set out below. Seventeen letters of objection have been received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

**Neighbour objections:** These relate primarily to the increased scale of the scheme compared to the consented scheme on this site, reference 17/0837, and to the impacts on the local highway network including the availability of on-street parking within the area. Some argue that the design of the scheme is not in keeping with the character of Stag Lane, that the density is too high, or that local infrastructure and services are not sufficiently resourced to cater for the additional population.

**Principle of development:** The proposal would be similar in nature to the consented scheme on this site, albeit with some buildings increased in height, an increase in the number of residential units and reduced parking provision. New commercial floorspace including a stand-alone industrial unit would be provided to mitigate the loss of the existing vacant warehouse building and, whilst the replacement floorspace would fall below the industrial capacity of this LSIS-designated site, the site is part of a proposed site allocation which allows for its redevelopment for a mix of uses. The development would create new business and employment opportunities and would help to foster a vibrant new business community. The proposal would also contribute to Brent's housing targets, providing an additional 87 residential units compared to the consented scheme.

**Affordable housing and housing mix:** The proposal would deliver 35% affordable housing by habitable room (including 54 units at London Affordable Rent and 86 units for shared ownership), a significant uplift on the 30% secured under the consented scheme. Whilst the tenure split of 44 : 56 (by habitable room) Affordable Rent to Shared Ownership would not comply with Brent's policy, the applicant's financial viability appraisal has been robustly reviewed by independent consultants and this process has demonstrated that the offer is beyond the maximum amount of affordable housing that the site can support. The same number of affordable rented units would be provided as in the consented scheme, but at more genuinely affordable rent levels (London Affordable Rent). The number of family-sized units would be 103 (20.6%), compared to 102 in the consented scheme, and 61% of the affordable rented units would be family-sized. While this is below the borough wide target proportion, it is considered to represent an acceptable balance between Affordable Homes and family sized homes in this particular instance.

**Design, scale and appearance:** The scheme is identical to the consented scheme in design terms, other than with respect to the increased height of some buildings and increased separation distances between them. The design is considered to be of high quality and to effectively combine new commercial floorspace providing an active street frontage and improved public realm with residential development, respecting the suburban character of Stag Lane whilst optimising the development potential of the site.

**Quality of accommodation:** The 501 residential units would be of high quality, with efficient layouts, and would all meet or exceed internal space standards. Whilst the number of dual aspect units would be low, none would be north- or south-facing and most would enjoy a high quality outlook over the attractively landscaped communal courtyards. All units would have access to private balconies or terraces and a variety of high quality external amenity areas on site including several playspaces, and the overall amenity space provision is considered to be acceptable. There would be a small shortfall against the targets set out in Policy DMP19. However, the quality of accommodation is considered to be good overall, and this shortfall would be mitigated by a financial contribution of £15,000 towards off-site provision in Grove Park.

**Impact on neighbouring properties:** The daylight sunlight assessment shows that neighbouring properties would continue to receive good levels of daylight and sunlight, and that the impact of the development on them would not be materially different to that of the consented scheme. The proposed buildings would retain adequate separation distances to neighbouring properties and sites, and would not cause any harmful impacts to the outlook or privacy enjoyed by neighbouring residents.

**Sustainability and energy:** The proposal would achieve a 57.5% reduction in residential carbon emissions against the 2013 Building Regulations baseline, and a 42.5% reduction in non-residential emissions. This represents a significant improvement on the consented scheme. The commercial floorspace would also achieve BREEAM Excellent status.

**Flood risk and drainage:** The site is in Flood Zone 1 and the flood risk assessment demonstrates that the development would not cause risk of flooding within the site or elsewhere in the area. The drainage strategy would deliver an 80% reduction of the existing peak runoff rate, utilising sustainable drainage measures including blue and green roofs.

**Urban greening, trees and biodiversity:** The proposal achieves an urban greening factor of 0.3, a very significant improvement on the existing conditions. Nine trees and one tree group within a group Tree Preservation Order on Stag Lane would need to be removed, however these are all of low to moderate quality and replacement tree planting would be secured, with a significant number of new trees (146 in total including

68 semi mature trees) and biodiversity enhancements as part of the landscaping scheme across the site.

**Environmental health considerations:** Noise, air quality and contaminated land concerns have been addressed through the submission and review of specialist reports, and environmental health officers have recommended conditions as appropriate to mitigate any impacts, including those arising from the construction process.

**Transport considerations:** On-site parking would be provided, including 114 basement spaces for residential use and 12 spaces for commercial use. This is a significant reduction in comparison to the 254 residential spaces and 26 commercial spaces provided in the consented scheme. Lower parking provision is strongly supported by the emerging policy context and would be mitigated by a financial contribution secured through the s106 agreement, towards the introduction of a Controlled Parking Zone within the surrounding area. Servicing and access arrangements would be as in the consented scheme, and cycle parking provision would be increased in line with draft London Plan standards. Highway works, travel plans and financial contributions to public transport service improvements would also be secured.

**RELEVANT SITE HISTORY**

**17/0837**

Full Planning Permission  
Granted 12/11/2018

Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to nine storeys and eight three storey mews houses, and the erection of a two storey commercial building, providing a total 4,051m of flexible commercial floorspace (B1(a),(b) and (c), B8, D2 and A3) across the site and 414 residential units including a mix of studio, 1, 2 and 3 bedroom units with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works, subject to Deed of Agreement dated 12 November 2018 under Section 106 of Town and Country Planning Act 1990, as amended.

**CONSULTATIONS**

922 neighbouring properties and the Friends of Eton Grove Park were consulted by letter on 7 January 2020. Site notices were posted in the vicinity of the site on 8 January 2020 and a press notice was published on 23 January 2020. Seventeen objections were received and are summarised as follows:

<b>Objection</b>	<b>Officer response</b>
<p>Little mention of the local infrastructure and amenities to accommodate the increase in local population - existing facilities unable to service the huge influx of new families. New social infrastructure and employment should be in place before development is completed.</p>	<p>New developments provide funding through the Community Infrastructure Levy towards infrastructure improvements. However, no specific requirements for infrastructure upgrades have been identified as a result of this proposal.</p> <p>The Council's school places team monitors and forecasts the need for additional school places. They currently consider that there is sufficient capacity within primary schools, but that additional capacity will be needed in the short to medium term for secondary school places. A new secondary school is proposed to be delivered within Neasden to address this need.</p> <p>The CCG have not identified the need for a new medical centre within this locality.</p> <p>The development would also provide new business and employment opportunities for the area.</p>
<p>General concerns about overdevelopment in area.</p>	<p>The site is part of a Growth Area which has been identified as suitable for high density development.</p>

Proposal will decrease amount of commercial land available in area.	Please refer to Principle of Development section of report. The proposal would create new commercial and industrial floorspace to replace a vacant warehouse building.
Height fronting Stag Lane has been disregarded	Please refer to Design, Scale and Appearance section of the report
Increased vertical structures out of keeping with the area.	Please refer to Design, Scale and Appearance section of the report.
Detrimental to visual amenity of the area	Please refer to Design, Scale and Appearance section of the report
Compresses too many undersized dwellings in a relatively small area of land	All the dwellings would meet minimum space standards and the density is justified in this location
Not in keeping with the surrounding suburban two storey houses	Please refer to Design, Scale and Appearance section of the report
Properties facing Stag Lane should reflect design and appearance of existing properties. If four-storey building is permitted, existing residents should have right to extend to four stories without planning permission.	Please refer to Design, Scale and Appearance section of the report. The Council cannot unilaterally alter permitted development rights for householder extensions, which are established nationally.
High density development will reduce the quality of life for all local residents, particularly the elderly	There is no evidence that this would be the case. Specific concerns are addressed in relevant sections of the report.
Additional bulking would result in additional burden to residents.	There is no evidence that this would be the case. Specific concerns are addressed in relevant sections of the report.
Balconies facing Stag Lane should be eliminated. If front dormers are proposed, Stag Lane properties should have automatic consent for front dormers.	There are no planning reasons to object to the proposed balconies facing Stag Lane. No front dormers are proposed.
Loss of light and outlook	Please refer to Impact on Neighbouring Properties section of report
Increased noise and disturbance resulting from use	The Council's Environment and Regulatory officers were consulted. They recommend that subject to appropriate conditions the proposal is considered acceptable in these terms.
Local traffic congestion will increase significantly, raising air pollution beyond already dangerous levels	The application has been accompanied by an air quality neutral assessment. On the basis of this information, the development would be air quality neutral in terms of transport emissions.
Noise and disturbance during construction	This is dealt with under Environmental Health legislation and would also be controlled through a Construction Management Plan.

Increased disruption and congestion that development will bring to busy location	Please see Transport section of report
Area is unable to accommodate increased parking in neighbouring streets	Please refer to Transport section of report
Further residents parking will only serve to hinder the normal business of the companies in the road	Please refer to Transport section of report. It is understood business parking permits would be issued if it is demonstrated it is essential to the operation of the business
Road blockage during use of construction vehicles and construction vehicle access from Stag Lane.	The applicant would be required to submit a Construction Logistics Plan to ensure effective control of highway impacts during construction, which would include routing of all construction traffic to avoid Stag Lane.
Adequacy of parking, loading, turning space	Please refer to Transport section of report
Additional strain will be placed on local tube networks and bus routes	Transport for London have raised no concerns with the impact of the development on local transport infrastructure, subject to a financial contribution towards service improvements.
Journey times will increase and there will be insufficient space for local residents	Please see Transport section of report. The development proposes a contribution to a future CPZ with residents of the development not being entitled to a parking permit, to ensure on street parking is retained for existing residents
CPZ will disadvantage local home owners. Developers should be liable to pay for existing residents' permits. Future residents should only be allowed to park within site.	Please see Transport section of report. A CPZ would ensure that on-street parking in the area is retained for the use of existing residents and residents of the development would not be entitled to parking permits.
Stag Lane is a feeder road to Sikh temple, Ekta Centre and doctors surgery and pharmacy and village school all which already attracts a high volume of traffic, which the development will worsen	Please see Transport section of report.
Bus routes should not cross Capitol Way.	The proposal does not involve any changes to existing bus routes.
Newly created bus stop on Stag Lane is not required and will deprive occupants of 276 Stag Lane of parking outside home	Please see Transport section of report. The proposal would result in relocation of an existing bus stop rather than the creation of a new one and would not affect 276 Stag Lane.
The Council has instructed the developers to increase the size of the development in order to provide housing.	This is not the case. The current proposal has been considered in the context of an emerging policy context that includes the needs for Brent to significantly increase its housing targets.
Impact on existing residents' views and property prices.	These are not material planning considerations.
Proposal is a rehash of previous proposal from 2017 and local concerns were not taken into	The proposal is based on the consented scheme, however objections to this proposal

account then.	have been considered against current adopted and emerging planning policies.
Impact on water and sewerage services.	Thames Water and Affinity Water have been consulted and have raised no objections in relation to these issues.

### **Statutory and internal consultees**

#### **Greater London Authority / Transport for London:**

Principle of development: The proposal is supported given the extant consent for similar land uses. The industrial use of Building F should be secured.

Housing and affordable housing: The proposal represents an uplift of 87 units compared to the previous consent. The proposed 36% affordable housing does not meet the 50% fast track route requirement for industrial sites. The applicant's Financial Viability Assessment is undergoing robust assessment by GLA officers to ensure the maximum contribution is secured.

Design: The design approach is supported and of good quality, with industrial floorspace suitable for industrial users.

Sustainable development: Further evidence required in relation to energy, flood risk and green infrastructure.

Transport: The application is broadly supported, and contributions and conditions are required.

**Transport for London detailed response:** The highway and public realm improvements are welcomed and in keeping with TfL Healthy Streets approach and Vision Zero. TfL welcomes the reduction in parking, which will promote a greater shift to active modes and public transport in keeping with the Mayor's ambition for 80% of trips by 2041 to be by non-car modes. A car park management plan and contribution to implementing a CPZ should be secured. Further detail is required to ascertain the quality of cycle parking. Whilst the additional public transport trips will place a greater demand on services operating in the vicinity, it would not rise to a level that would be considered severe. A contribution of £106,000 towards a major upgrade scheme for Colindale station is expected.

**London Borough of Barnet:** Objection due to insufficient parking provision [officer note: this issue is discussed in the Transport section of the report].

**Environment Agency:** No comment.

**Thames Water:** No objection in respect of surface water network and foul water sewerage network.

**Environmental Health:** No objection subject to conditions including to secure amendments to noise assessment report and conditions relating to contaminated land, external lighting and construction noise and dust.

#### **Pre-application consultation:**

The applicant's Design and Access Statement sets out the public consultation and engagement activities undertaken by the applicants prior to submitting this application. These included a two-day public exhibition held on site in October 2019, advertised by leaflets sent to 2,722 local residents and businesses, and a dedicated project website and advertisement in the Brent and Kilburn Times. A total of 57 people attended the public exhibition. Consultation was also conducted with local community and residents groups.

These activities are considered to be appropriate to the scale of the development and to reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement.

## **POLICY CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010, and the Brent Development Management Policies 2016.

Key policies include:

#### London Plan 2016

2.13	Opportunity Areas and Intensification Areas
3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.6	Children and young people's play and informal recreation facilities
3.9	Mixed and balanced communities
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private residential and mixed use schemes
3.13	Affordable housing thresholds
4.4	Managing industrial land and premises
5.2	Minimising carbon dioxide emissions
5.10	Urban greening
5.13	Sustainable drainage
5.15	Water use and supplies
5.21	Contaminated land
6.9	Cycling
6.13	Parking
7.1	Lifetime neighbourhoods
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.14	Improving air quality

#### Brent Core Strategy 2010

CP1	Spatial Development Strategy
CP2	Population and Housing Growth
CP11	Burnt Oak/Colindale Growth Area
CP19	Strategic Climate Change Mitigation and Adaptation Measures
CP20	Strategic Industrial Locations and Locally Significant Industrial Sites
CP21	A Balanced Housing Stock

#### Brent Development Management Policies 2016

DMP1	Development Management General Policy
DMP9b	On Site Water Management and Surface Water Attenuation
DMP11	Forming an Access on to a Road
DMP12	Parking
DMP13	Movement of Goods and Materials
DMP14	Employment Sites
DMP15	Affordable Housing
DMP18	Dwelling Size and Residential Outbuildings
DMP19	Residential Amenity Space

In addition, the Examination in Public for the Draft New London Plan has been completed and the Panel Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

Key relevant policies include:

#### Draft New London Plan

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city

GG4	Delivering the homes Londoners need
GG5	Growing a good economy
GG6	Increasing efficiency and resilience
SD1	Opportunity Areas
D1	London's form, character and capacity for growth
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D8	Public realm
D9	Tall buildings
D12	Fire safety
D13	Agent of Change
D14	Noise
H1	Increasing housing supply
H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
S4	Play and informal recreation
E4	Land for industry, logistics and services to support London's economic function
E6	Locally Significant Industrial Sites
E7	Industrial intensification, co-location and substitution
G5	Urban greening
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI5	Water infrastructure
SI13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T4	Assessing and mitigating transport impacts
T5	Cycling
T6.1	Residential parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning

#### Draft Local Plan

DMP1	Development management general policy
BP3	North
BNGA1	Burnt Oak / Colindale Growth Area
BNSA1	Capitol Way Valley
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH2	Priority areas for additional housing provision within Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BE1	Economic growth and employment opportunities for all
BE2	Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS)
BGI1	Green and blue infrastructure in Brent
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
BSUI2	Air quality
BSUI4	On-site water management and surface water attenuation
BT1	Sustainable travel choice
BT2	Parking and car free development
BT3	Freight and servicing, provision and protection of freight facilities
BT4	Forming an access on to a road

The following are also relevant material considerations:

The National Planning Policy Framework 2019  
Planning Practice Guidance including the National Design Guide  
SPD1 Brent Design Guide 2018  
Brent Waste Planning Guide 2013  
Mayor of London's Play and Informal Recreation SPG 2012  
Mayor of London's Sustainable Design and Construction SPG 2014  
Mayor of London's Housing SPG 2016  
Mayor of London's Affordable Housing and Viability SPG 2017

## DETAILED CONSIDERATIONS

### Background

1. The proposal presents an amended version of the consented scheme for the redevelopment of the site, ref 17/0837. The consented scheme could be legally implemented at this time and is therefore a material planning consideration of significant weight in the determination of this application. The main points of comparison between the two applications are summarised below and considered in more detail at the relevant points in the report:
  - The commercial floorspace would remain as in the consented scheme in terms of amount, layout and design. However, the satellite site (Block F) has now been conditioned to be in industrial use only, to reflect the emerging policy context.
  - The number of residential units would increase by 87 from 414 to 501 new homes
  - Affordable housing provision would increase from 30% (at a 54:46 tenure split) to 35% (at a 44:56 tenure split)
  - Building heights would increase by one storey (Blocks B, C and D) and three stories (Block E)
  - Separation distances between Blocks C and D, and Blocks D and E, would be increased by 2m in each case
  - Some residential floors would be reconfigured to increase the number of units provided
  - The energy strategy would be updated, to further reduce carbon emissions from the development
  - The basement car parking provision would be reduced from 254 spaces to 114 spaces, whilst basement cycle storage and bin storage would be increased.

### Principle of development

2. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation. Notwithstanding the Locally Significant Industrial Site designation, the extant permission was granted on the basis that the proposal complied with the requirements for the redevelopment of industrial land set out in Brent's Policies CP20 and DMP14, given the constraints of the building and its servicing arrangements and the evidence submitted of continuing vacancy following active marketing.
3. However, the draft new London Plan is also a material planning consideration of increasing weight, and Draft Policy E4 proposes to prevent further losses of industrial land across London as a whole, in part by requiring a number of boroughs including Brent to "provide capacity" for employment floorspace to support London's economic function. Further detail on how this is to be achieved is provided in Draft Policy E7, of which paragraph C identifies the potential for LSIS-designated sites to accommodate industrial floorspace co-located with other uses, and indicates that this should be through a plan led approach or as part of a co-ordinated masterplanning process in collaboration with the GLA and relevant borough, rather than through ad-hoc planning applications.
4. The site is part of a proposed site allocation (BNSA1, Capitol Way Valley) identified in Brent's draft Local Plan for mixed use development including employment intensification and co-location. The allocation allows for the redevelopment of the proposal site as consented, and the current proposal would therefore be aligned with the general policy aims of the allocation (including the intensification of employment floorspace) and with the process set out in paragraph C of Draft Policy E4.

5. Draft Policy E4 also sets out a principle that there should be no net loss of industrial floorspace in LSIS-designated areas, and the supporting text defines the floorspace capacity as the existing floorspace on site or the potential floorspace at a 65 per cent plot ratio. Based on the site area (including the satellite site) of 1.88ha, the potential floorspace would be 12,200sqm, significantly greater than the amount secured through the extant consent.
6. Notwithstanding the imminent policy changes, the consented scheme is a material planning consideration carrying significant weight. The proposal maintains the same level of employment floorspace as the extant permission and has further developed the satellite site (Block F) as an industrial development, compared to the consented scheme which would deliver commercial floorspace that could be occupied by other commercial uses. In doing this, it would ensure that the Block F building specification would be designed to meet the operational requirements of industrial end users. Features such as 4m ceiling heights, adequate floor loading, vehicle access of sufficient dimensions for deliveries, separate access for staff and visitors, a goods lift and functional yard space would be provided to meet the needs of industrial uses, and the industrial use of this building would be secured by condition.
7. In relation to the housing element, the proposed intensification of the development site would deliver an additional 87 residential units compared to the consented scheme. The draft London Plan proposes increasing housing targets for London boroughs with the target number for Brent set to increase from 1,525 to 2,325 per year. Brent's emerging Local Plan seeks to focus housing growth within its growth areas and site allocations. The application site lies within the extended boundaries of the Burnt Oak Colindale Growth Area and site allocation BNASA1 proposed as part of the emerging Local Plan. The development would therefore contribute to the delivery of London's housing requirements and the Council's minimum housing target in line with London Plan Policy 3.3, draft London Plan Policy H1, and emerging policy BH1 of Brent's Local Plan.
8. The principle of the development is therefore acceptable.

## **Affordable housing and housing mix**

### Policy background

9. Brent's adopted local policy (CP2 and DMP15) sets out the affordable housing requirements for major applications and stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing. The policies allow for the reduction in the level of Affordable Housing (below the 50% target) on economic viability grounds. This is discussed in more detail later in this report.
10. The emerging London Plan (Intend to Publish Version) has been subject to examination and the associated affordable housing policies (H4, H5 and H6) are now given greater weight. These policies establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:
  - 35% Affordable Housing; or
  - 50% Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.

\* other criteria are also applicable.  
 \*\* industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.
11. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:
  - A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
  - A minimum of 30% intermediate homes;
  - 40% to be determined by the borough based on identified need.
12. When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of

Affordable Rent : Intermediate) and Brent's emerging policies (70:30 ratio of London Affordable Rent : Intermediate) provide clarity on the tenure of the third category (40 % to be determined by the borough). This means that this element of Affordable housing mix should be provided as Affordable Rented homes.

13. These policies allow for a reduction to affordable housing obligations on economic viability grounds where it can be robustly demonstrated that the target level of affordable housing would undermine the deliverability of the scheme. The policies require schemes to deliver the maximum reasonable amount of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the targets) and schemes that are not eligible for the threshold approach must be accompanied by a Financial Viability Assessment. It is important to note that these policies do not require all schemes to deliver 35% or 50% Affordable Housing.
14. Brent's emerging Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted policy DMP15 policy and emerging London Plan policies H4, H5 and H6 would carry considerably more weight than the Brent emerging Affordable Housing policy at this point in time.

#### Extant consent

15. The extant consent secured 30% affordable housing by habitable room (26% by unit), providing 54 affordable rent and 53 intermediate units (a tenure split of 54 : 46 in favour of affordable rent, by habitable room). This represented an improved offer, in terms of the overall percentage and tenure mix, compared to the initial proposal, and included a high percentage (54%) of affordable rented units as 3beds. Although the tenure split was not policy-compliant the overall level of provision was accepted following the viability appraisal process. Rents were secured at up to 80% of market rents for 1bed and 2bed units, and 60% of market rents for 3bed units. The housing mix secured was as follows:

<b>Consented mix</b>	Studio	1bed	2bed	3bed	Total
Private	44	103	100	60	<b>307 (74%)</b>
Intermediate	0	15	25	13	<b>53 (13%)</b>
Affordable Rent	0	6	19	29	<b>54 (13%)</b>
<b>Total</b>	<b>44 (10%)</b>	<b>124 (30%)</b>	<b>144 (35%)</b>	<b>102 (25%)</b>	

#### Assessment of proposal

16. The proposal would increase the proportion of affordable housing to 35% by habitable room (28% by unit), providing 54 units at London Affordable Rent levels and 86 units for shared ownership. Again the tenure split of 43:57 by habitable room (39:61 by unit) would not be compliant with Policy DMP15, which requires a 70:30 split in favour of affordable rent. However, the tenure split would be compliant with the emerging London Plan as it would provide over 30% of the units as London Affordable Rent. The detailed housing mix proposed is set out in the following table:

<b>Proposed mix</b>	Studio	1bed	2bed	3bed	4bed	Total
Private	67	160	82	52	0	<b>361 (72%)</b>
Intermediate	0	21	47	18	0	<b>86 (17%)</b>
London Affordable Rent	0	2	19	25	8	<b>54 (11%)</b>
<b>Total</b>	<b>67</b>	<b>183</b>	<b>148</b>	<b>95</b>	<b>8</b>	

	(13%)	(37%)	(30%)	(19%)	(2%)	

17. A Financial Viability Assessment (FVA) is required to demonstrate that the proposal would deliver the maximum reasonable proportion of Affordable Housing as the proposed proportion of Affordable Housing falls below 50% (as required by Policy DMP15 and the draft London Plan fast-track threshold route for sites in industrial use) and the Affordable Housing ratio tenure split proposed is not in line with the Brent Policy ratio of 70:30.
18. A FVA has been prepared on behalf of the applicant by JLL and submitted in supported of the application. The FVA assumes a Benchmark Land Value (BLV) of £9.5m, which is the agreed BLV for the consented scheme that would be used to review viability if that scheme were implemented, together with other key assumptions secured in the s106 agreement for the consented scheme such as profit levels, professional fees and finance costs. At profit levels of 17% across the scheme (which represents a blended average of different profit levels on the commercial floorspace and various residential tenures, including 20% profit on private residential sales), the scheme generates a deficit of £9.91m against the site's benchmark land value on the assumption that no grant funding is available.
19. The FVA has been reviewed on behalf of the Council by BNP Paribas. In light of the consented scheme being a material consideration, they have accepted the Benchmark Land Value of £9.5m. Their appraisal demonstrates a smaller deficit of £5.22m. Although they consider 20% profit to be reasonable in this case, they have also carried out sensitivity testing, reducing the profit on private residential sales to 17.5%, and this generates a smaller deficit of £2.42m.
20. The scheme has been demonstrated to be delivering beyond the maximum reasonable amount of affordable housing. Whilst the tenure split does not comply with policy, the same number of affordable rented units would be secured as in the consented scheme. Furthermore, these units would be secured at London Affordable Rent levels whereas the consented scheme would provide units at higher rent levels as noted above. Additional sensitivity testing has been carried out and has established that a policy-compliant tenure split for a viable scheme would deliver less affordable housing than the consented scheme overall and fewer units for affordable rent.
21. The scheme would deliver beyond the maximum reasonable number of units at London Affordable Rent and the applicant has chosen to provide additional units for shared ownership. Both elements are considered to represent significant planning benefits of the scheme in comparison to the consented scheme.
22. The proposal does not meet the GLA's threshold for the fast track route under draft London Plan Policies H5 and H6, which remains at 50% affordable housing for proposals involving the release of designated industrial land and net loss of industrial capacity. The GLA are currently assessing scheme viability and their comments will be reported via the Supplementary Agenda.
23. In terms of the family sized dwellings, 103 are proposed, comprising 95 x three bedroom dwellings and 8 x four bedroom dwellings. At 21% of the overall number of units, this would fall below the 25% target set out in Policy CP2 and emerging policy BH6. The extant scheme proposed a total of 102 family sized dwellings, all being three bedrooms, which equated to 25% of the total number of units and therefore was fully compliant with Policy CP2. The percentage of family housing would be reduced as a result of the overall increase in the number of units so that the scheme would no longer be policy compliant in this respect, however the number of family-sized dwellings provided would be increased by one and the inclusion of the four bedroom homes, which would all be at London Affordable Rent levels, is considered to be an additional benefit of the scheme. Furthermore 34.7% of the family sized units (3 and 4 bedrooms) are proposed at London Affordable Rent levels, whereas the consented scheme secured 28% of the family sized units as affordable rent. The housing mix is compared in full in the table below.

	<b>Consented scheme</b>	<b>Consented %</b>	<b>Proposed scheme</b>	<b>Proposed %</b>
Studio	44	10%	67	13%

1bed	124	30%	183	37%
2bed	144	35%	148	30%
3bed	102	25%	95	9%
4bed	0	0%	8	2%
Total	414	100%	501	100%

## Design, scale and appearance

### Policy background

24. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, being sympathetic to local character and history, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. Further detailed design principles are set out in Chapter 7 of the London Plan and Chapter 3 of the draft new London Plan, and in Brent's Policy DMP1 and the Brent Design Guide SPD1. Draft Local Plan Policy BD1 also seeks a high standard of design quality, and more specific guidance on tall buildings is given in draft new London Plan Policy D8, and Brent's draft Policy BD2 and draft Tall Buildings Strategy. The latter document identifies the Burnt Oak / Colindale Growth Area as a Tall Buildings Zone with appropriate heights being up to 17 stories.
25. In terms of the character of the surrounding area, this can be divided into distinct sections. West and northwest of the site along Stag Lane is an area of two-storey 1920s housing including Roe Green Village Conservation Area, the boundary of which is approximately 200m southwest of the site. Immediately to the north, the site boundary is with a row of small industrial units on Carlisle Road, which are also part of the LSIS designation. Similar industrial units, also part of the Capitol Way Industrial Park, line the eastern and southern boundaries of the site. To the southeast, the recent TNQ development has a maximum height of eight stories other than on the Edgware Road frontage which features a taller point block of 18 stories, and there is a low-rise supermarket further to the southeast.
26. The site, the surrounding industrial units in the Capitol Way Industrial Park and the supermarket together form the proposed site allocation BNSA1: Capitol Way Valley. The site allocation highlights the need for tall buildings on this site to respond to the height of the surrounding residential character and provide a step down in height towards the 2-storey residential character.

### Layout and relationship with street

27. The proposed layout is based around five north-south orientated blocks facing towards Stag Lane (Blocks A to E) of which Blocks A to D would be L-shaped with a return section facing south onto Capitol Way. Each block would include a ground floor commercial unit on the Capitol Way frontage, Blocks C and D with mezzanine floor levels. To the north of the blocks, on the northern boundary of the site, would be a row of mews terraces (Block G). On the satellite site to the south of the main site there would be a separate building providing industrial floorspace (Block F). This building would face north onto Capitol Way and west onto Stag Lane.
28. The layout of the main site would provide a sustained active commercial frontage along Capitol Way, and the commercial units would reinforce the character of the area as a location for predominantly small local businesses. The L-shaped return sections would create four enclosed courtyards between the blocks, which would have a more secluded and domestic character and secure entrances for use by residents, whilst smaller areas between the L-shaped returns would provide pedestrianised public spaces accessible from the street, which would further help to activate the frontage and create a sense of place for the new development. The eastern edge of the site would be landscaped, providing a buffer between the residential use and the industrial units currently remaining.
29. On the Stag Lane frontage, Block A would be set back from the pavement edge by 2m – 6m to continue the existing building line of adjacent properties, and ground floor residential units would have landscaped front gardens and individual entrances direct from the street, with a centrally located communal entrance

providing access for units on the upper floors. These would provide natural surveillance and a traditional residential character along the Stag Lane frontage in keeping with the surrounding properties to the west and northwest. The residential units in the other blocks would primarily be accessed from within the courtyards, with entrances provided from the public spaces on the Capitol Way frontage, and Block E would also have an entrance from the eastern site boundary. The mews terraces would have a more intimate character, with direct access to individual units from within the site to the rear of the larger blocks, and these would be directly accessible via an entrance from Stag Lane, with vehicle access for refuse collection and fire vehicles only.

30. In general the pedestrian routes through the development have been designed across the landscaped courtyards and alongside ground floor active frontages to maximise passive surveillance, making the routes safe and attractive. This would be facilitated by positioning the parking, bin stores and cycle stores for the flats at basement level, as in the consented scheme. As in the consented scheme, the landscaped buffer along the eastern boundary would allow for future pedestrian connections to be established to the east and north as and when neighbouring sites come forward for redevelopment.
31. The satellite site would be physically separated by the road network and would be in keeping with the industrial character of the remaining industrial units to the south of the main site. The main part of the building would be set back from the pavement edge on Stag Lane by 11m approx., providing a substantial buffer of retained tree coverage to soften the impact of the industrial building upon the residential character across Stag Lane.
32. The landscaping strategy comprises the provision of extensive landscaping within the amenity areas between the blocks, as well as street trees proposed along all of the frontages. The satellite site (Block F) located to the south of the main site currently has a vegetated bank with existing trees that run along the eastern side of Stag Lane. This would be retained as a landscaped buffer, to include replacement tree planting (discussed further under Urban greening, trees and biodiversity).
33. In comparison to the consented scheme, the distances between Blocks C, D and E would be increased, to ensure that the levels of daylight and sunlight to residential units would remain the same as for the consented scheme and to increase the size of the communal amenity spaces (these issues are discussed further under Residential Living Standards). The increased separation distances would also create a more spacious character across the development as a whole. The separation distances between blocks are summarised in the Table below:

	<b>Consented scheme</b>	<b>Proposed scheme</b>
Stag Lane to Block A	5m to 6m	5m to 6m
Block A to Block B	20m to 22m	20m to 22m
Block B to Block C	24m	24m
Block C to Block D	24m	26m
Block D to Block E	32m to 35m	34m to 37m
Block E to eastern boundary	18m	13m

34. In summary, the layout is identical to that of the consented scheme 17/0837, other than in terms of the distances between Blocks C, D and E. The layout is considered to effectively combine commercial floorspace with high quality new residential development and is supported on this basis.

#### Height, bulk and massing

35. The building heights would increase gradually from west to east, in order to respect the lower heights of

the existing residential buildings on Stag Lane and make an appropriate transition to this more traditional area, whilst responding to the opportunity for greater height provided by the predominantly industrial nature and emerging character of high-density residential development to the east and south. This is in line with the aspirations of the site allocation. The height of Block G on the northern boundary would also increase from west to east but would be of lower heights overall than the main blocks, in order to lessen the visual impact on residential properties further to the north on Holmstall Avenue. The industrial building, Block F, would be two to three stories high but, due to the greater floor-to-ceiling height, the three-storey element would be of the same overall height as the four storey Block A, which it would sit alongside on the Stag Lane frontage, and this common height would enable the block to integrate visually with the main development.

36. On Blocks A, E and G, the top floor would be set back from the main building line to minimise the impression of bulk and height and define the top of the building. A similar approach on Blocks B, C and D would involve the top two stories being set back, with the lower height elements wrapping around the L-shaped return sections on the Capitol Way frontage. The longer north-south elevations on the main blocks would be broken up by recessed glazed central cores. Block G would be divided into four sections of increasing height, linked by two-storey sections providing bin storage and access to units on the upper floors. These features would help to modulate the height and bulk of the development and create a shared identity across the blocks.
37. The same overall approach to building heights was considered acceptable in the consented scheme. In comparison, in the current proposal Block A on the Stag Lane frontage would be of the same four-storey height as the consented scheme, whilst Blocks B, C and D would be one storey higher and Block E would be three stories higher, being the tallest part of the development at twelve stories (compared to the nine storey maximum height of the consented scheme). The lower height return sections on Blocks B, C and D would also be increased by one storey. The height of Block F, the industrial building on the satellite site, would remain as in the consented scheme at two to three stories. Building heights are summarised in the following Table.

	<b>Consented scheme</b>	<b>Proposed scheme</b>
Block A	4 stories	4 stories
Block B	6 stories with 4 storey return	7 stories with 5 storey return
Block C	7 stories with 5 storey return	8 stories with 6 storey return
Block D	8 stories with 6 storey return	9 stories with 7 storey return
Block E	9 stories	12 stories
Block F	2 to 3 stories	2 to 3 stories
Block G	3 to 7 stories	3 to 7 stories

38. The Design & Access Statement includes a townscape analysis showing views of the proposed scheme in comparison to views of the consented scheme, from six viewpoints in surrounding areas. From Grove Crescent, 700m to the southeast, the increased height of Block E would be noticeably above the heights of the consented streetscene but would not appear excessively tall. From the junction of Stag Lane and Princes Avenue, 200m to the south and just to the north of the Roe Green Conservation Area, neither the consented nor the proposed scheme would be visible within the streetscene given the retained mature tree cover along Stag Lane and, without the tree cover, the view would be mainly of the lower height buildings nearer to Stag Lane. From the junction of Park Gardens and Fairway Avenue, 250m to the west, there would be a marginal increase in the overall height and massing compared to the consented scheme. From the junction of Stag Lane, Holmstall Avenue and Beverley Drive, 150m to the north, the additional storey on the mid-height buildings would be visible but overall the scheme would still appear of medium height from this view. From the junction of Edgware Road and Carlisle Road, 230m to the northeast, the increased height of Block E would be noticeable, however this is the least sensitive view as

it is within an area with a more dense urban character where other developments of similar scales are expected to come forward in a similar timeframe. From the TNQ development on Capitol Way, 150m to the southeast, the increased height of Block E would be more obvious, however this is again within a predominantly industrial area where similar high-density redevelopment is expected to take place.

39. There are no protected views or buildings of historical interest that would be affected by the proposal, and the visual impact on traditional residential areas nearby is considered to be minimal, given the similarity to the consented scheme.
40. The overall height, bulk and massing are considered acceptable within the context.

#### Architectural approach and detailing

41. The architectural approach and detailing remain as in the consented scheme. In terms of materials, a mixed palette based around brick finishes is proposed. The main blocks would be predominantly of brick, with the colours darkening gradually across a spectrum from light yellow grey on Block E to red buff on Block A, the latter reflecting the similar tones of the existing properties on Stag Lane. The taller set back elements on the main blocks would be of a copper coloured rainscreen cladding, to add visual interest, further emphasise the reduced bulk of these elements and add further definition to the tops of the buildings. The proposed balconies would be of a dark bronze effect metal, which would complement the proposed brick colours and cladding. The commercial units would feature large-plate glazed elevations set within brick piers to create active frontages but also provide visual continuity with the residential elements above.
42. The mews terraces would feature light yellow stock bricks with weathered bronze accents, set on a dark brick plinth that would help to ground this element within the streetscene along the mews street. Other features would include inset panels of copper coloured rainscreen cladding, opaque high level windows to ground floor kitchens and bathrooms, and reglit glass blocks to provide light to stairwells. The two-storey linking elements providing bin storage and cycle storage would be in copper mesh. Overall, this part of the scheme would have a distinct architectural character whilst also sharing the overall identity of the scheme through the common use of materials such as the rainscreen cladding.
43. Hard landscaped pedestrian areas within the site boundary would consist primarily of precast concrete slabs, with soft landscape features and tree planting. The 'mews street' would be surfaced with herringbone clay paving and resin gravel paving would be provided within the courtyards. Soft landscaping and play features are proposed within the courtyards, to provide a high quality environment for residents that would also be partly visible from the street and would help to activate the streetscene further.
44. Details of materials and a detailed landscaping scheme would be required by condition. Subject to these details, the design approach is considered to be of high quality and can be supported.

#### **Quality of accommodation**

##### Internal amenity

45. Policy DMP18 states that the size of the dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. Draft London Plan Policy D6 also sets out minimum space standards for new dwellings. The development includes the creation of 501 residential units all of which would meet or exceed technical space standard requirements for their respective size and occupancy levels.

##### *Layout and aspect*

46. The Mayor's Housing SPG and draft London Plan Policy D6 seek to minimise the number of single aspect dwellings, and to avoid single aspect dwellings that are north facing or those that are at risk of being exposed to detrimental noise levels. Three-bedroom units should also be designed to be dual aspect.
47. Of the 501 units proposed, 173 of the units are proposed to be dual aspect. Whilst the proportion is relatively low at 35% of the total units, there would be no single aspect north facing units and

proportionally this figure would be higher than secured on the extant scheme (which provides 115 dual aspect units of a total of 414, or 28%). Where single aspect units are proposed, the shallow nature of the units ensures that good levels of daylight would be able to penetrate habitable rooms, thus ensuring a pleasant environment for future occupants.

### *Privacy*

48. SPD1 seeks to ensure adequate privacy by requiring an 18m separation distance between overlooking habitable room windows. The separation distances between the blocks would be a minimum of 20m (Blocks A and B) with separation distances increasing to a maximum of 34m between blocks D and E. This ensures the development comfortably complies with the SPD1 guidance.
49. The separation distances between the flank walls of blocks A to E and Block G would fall short of the 18m required. However, all the units would be orientated in such a way that they would not unduly affect the privacy of each other or neighbouring properties. The residential units comprising Block G, the mews running along the site's northern boundary, have been designed to have no rear windows from first floor upwards in order to turn away from the commercial units on Carlisle Road and to avoid conflict between the residential and commercial uses. Therefore balconies are proposed on their southern elevations; and each balcony has been carefully designed so that they would be angled away from the flank walls of the perpendicular blocks towards the courtyards. This is necessary because the flank walls of the main blocks would each have windows intended to animate these facades. These arrangements are identical to those approved in the consented scheme.
50. The proposed separation distances allow for a good quality of outlook from the proposed residential properties as well as ensuring adequate privacy for the future occupants of the residential development.

### *Daylight/sunlight*

51. An Internal Daylight, Sunlight and Overshadowing Report to assess the light received by the proposed rooms within the development has been submitted with the application. All habitable rooms have been assessed for Average Daylight Factor (ADF), No Sky Line (NSL) and Room Depth Criterion (RDC). The results show that there would be no material difference to the daylight and sunlight potential within the proposed habitable rooms, comparing the proposal to the consented scheme. Overall, the proposal would provide a very high standard of compliance with the recommended targets, commensurate with a high density urban development of this type.

### Landscaping and external amenity space

52. Policy DMP19 and emerging Policy BH13 state that 50sqm of external amenity space should normally be provided for family sized units (3plus bedrooms) at ground floor level and 20sqm for all other units. The policy sets out that this should be in the form of private external amenity space but recognises that where this cannot be achieved, communal amenity space contributes towards the policy targets. This is a significantly higher policy standard than that specified in the Mayors Housing SPG and emerging London Plan Policy D6, which requires a minimum of 5sqm of private outdoor space for 1-2 dwellings with an extra 1sqm to be provided for each additional occupant.
53. Private space would be provided in the form of balconies or private terraces for each unit, which would meet or more often exceed the Housing SPG's requirements. Terraces to the ground floor units would be slightly raised above external ground level to offer a sense of separation whilst maintaining lower balustrades and views from the terraces into the communal courtyard gardens.
54. Four large communal courtyards would be created in order to serve the units, and these represent an enlargement on those proposed under the consented scheme. The courtyard areas would consist predominantly of soft landscaping with the exception of the footpaths, which would provide links and permeability throughout the scheme. Trees are also proposed within these areas. Overall, the landscaping strategy proposes the provision of 68 new semi mature trees and 78 smaller trees including multi stem trees to be planted, in addition to those retained. There would also be 243 linear metres of hedging as well as other herbaceous planting. As well as the courtyard area, external amenity space would be maximised through the introduction of two rooftop terraces to Blocks C and D, which would also be attractively landscaped, and an area of soft landscaping to the eastern boundary.

55. The quality of sunlight penetration to the communal courtyard areas has been assessed through the submission of the Internal Daylight, Sunlight and Overshadowing Report. This demonstrates that for sun hours on the ground, this area would receive the suggested two hours of direct sunlight to over 57% of the total area and therefore would be fully compliant with BRE guidelines, which require a 50% area to achieve two hours of sun on ground.
56. When calculating on-site external amenity provision, the 501 units would require a total of 13,110 sqm. of amenity space, including 103 units assessed at the 50sqm standard. A total of 4,716sqm of private amenity space would be provided and compliance with Policy DMP19 and emerging Policy BH13 standards has been assessed by unit, with individual shortfalls against the standards totalling 8,394sqm. Against this cumulative shortfall, 6,927sqm of communal amenity space would be provided at ground floor and rooftop level (compared to 4,612sqm for the consented scheme, which provides slightly smaller courtyards and no rooftop terraces). This would largely offset the shortfall in private amenity space, leaving a total residual shortfall of 1,467sqm of amenity space when considered against Policy DMP19 standards.
57. However, in the context of the scale of the scheme, this shortfall is considered to be relatively small, representing less than 3sqm per unit on average, and would be lower than the shortfall on the consented scheme (the proposal would provide an average of 23sqm amenity space per unit, whereas the consented scheme provided 22sqm per unit on average although individual shortfalls against the policy standard were not assessed at that time). Having regard to the density of the scheme, the high quality and variety of space that would be provided, the larger internal areas of the units and the fact that the provision would well exceed the standards specified in the Mayors Housing SPG, the shortfall is considered to be acceptable in this instance. Furthermore, a financial contribution of £15,000 towards improvements to off-site amenity space at Grove Park has been agreed with the applicant. A contribution was not secured for the consented scheme, and so the proposal represents a betterment in terms of local open space provision. A good standard of external amenity would therefore be provided for future residents.

#### *Childrens playspace*

58. Of the total external amenity provision, 1,010sqm is to be designated as children's playspace, in accordance with the Mayor's Play and Informal Recreation SPG and draft London Plan Policy S4. A child yield of 134 is expected from the development, with on site play provision directed towards the ages of 0-11, with 530sqm provided for under 5s and 480sqm provided for 5-11 year olds. The playspace would be provided in Courtyards A, B and C and would include such play equipment as play huts, slides, swings and climbing boulders. These would be conveniently located for the affordable housing units, which would be expected to have a higher child yield, and would allow for quiet, secure and overlooked play areas suitable for younger age groups.
59. No on site playspace would be provided within the development for 12+ years and the development would generate an expected child yield of 33 within this age group, which would require 330sqm of playspace. However, the SPG and draft Policy S4 enable consideration of the use of offsite provision of play area facilities for children. For children aged 12 and above, facilities within an 800m walking distance may be taken into account. A number of open spaces have been identified within 800m walking distance of the development, including Grove Park, Montrose Playing Fields, Silk Stream Park, Eton Grove and Roe Green Park. It is therefore accepted that the 12+ provision could be met by offsite provision in close proximity to the development site.
60. It should be noted that although the expected child yield would increase compared to the consented scheme, the arrangements in terms of off-site provision for this age group were considered acceptable at that time. In light of this, there is nothing to indicate that off-site provision would no longer be suitable for the enlarged scheme. However, the GLA has recommended that a financial contribution towards improvements to off-site play areas is secured. As noted above, a financial contribution of £15,000 towards Grove Park would be secured through the s106 agreement.

#### **Impact on neighbouring properties**

### *Daylight and sunlight*

61. A Daylight, Sunlight and Overshadowing Report has been submitted which assesses the development's potential impacts on the surrounding residential properties when compared to the existing site conditions. The assessment has been undertaken in accordance with the British Research Establishment (BRE) Report 2009, Site Layout Planning for Daylight and Sunlight: A guide to good practice (Second Edition, 2011). This document is referred to in the report as the "BRE Guidelines" which is supported in SPD1. Whilst there is no quantitative comparison with the extant scheme, the report does provide a qualitative assessment of the additional impact on daylight/sunlight when considering what could reasonably be implemented on site.
62. The daylight sunlight report identifies that the same properties would be affected by the proposed development as the extant scheme, and that there would be no properties previously identified to be unaffected, that would now be impacted. As such Nos 148-150, 244 -248 (even) and Nos 256 - 276 (even) Stag Lane, would continue to demonstrate full compliance with the BRE Guidelines.
63. In relation to Nos 250, 252 and 254 Stag Lane, the daylight assessment results demonstrates isolated impacts on ground floor windows, however all windows and rooms would retain good levels of daylight following construction of the proposed development. There are no windows facing within 90 degrees of due south of the proposed development and therefore a sunlight assessment is not required. This same level of harm was identified in the extant scheme and considered acceptable.
64. The results of the daylight assessment for No 153 Stag Lane largely demonstrates compliance with the BRE Guidelines. The single secondary window that deviates from the Annual Probable Sunlight Hours (APSH) guidance would retain good levels of annual sunlight following construction of the proposed development. Furthermore, this window serves a room with multiple windows and therefore any alteration to the existing condition is unlikely to be considered noticeable.
65. The sun hours on ground results demonstrate that No 151 Stag Lane would be fully compliant with the BRE Guidelines following construction of the proposed development. For No 153 Stag Lane, the rear garden area will suffer some loss of sunlight on March 21st. However, the rear garden would retain very good sunlight levels in the summer months, and the overshadowing would be caused by the 2/3 storey proposed mews houses to the north west corner of the scheme, the height of which is the same as in the consented scheme and compatible with the local adjacent townscape and building heights, and is therefore considered characteristic of the area and to result in an acceptable situation.
66. In summary, the assessment demonstrates that neighbouring residential properties would continue to receive good levels of daylight and sunlight. Where breaches of BRE standards have been identified, these are considered to be negligible and would likely be unnoticeable to the occupants of these properties.
67. The resulting overshadowing is also considered to be within appropriate limits. As referred to above there would be some instances where the BRE daylight guidelines would not be achieved, however, it is accepted that this is a normal outcome of a large scale development in such an area.

### *30 degree and 45 degree rules*

68. In order to minimise the impact of new development on surrounding properties and spaces, SPD1 states that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of neighbouring properties, measured from a height of 2m above floor level. Where development adjoins private amenity or garden areas then the height of the new development should normally be set below a line of 45 degrees. However, it should be noted that SPD1 states that development should normally meet this guidance, although denser forms of development may be supported in Growth Areas subject to a daylight sunlight assessment of the impact on neighbouring properties.
69. In this case, the application site does not adjoin any private rear gardens and the submitted section plans show the four-storey Block A sitting well below the 30 degree line from the ground floor windows of the properties on Stag Lane, with the two-storey and three-storey Blocks F and G being lower still in relation to those properties.

### *Privacy*

70. Separation distances of 18m to windows and 9m to the site boundaries should be maintained, and the latter is particularly important with reference to industrial and commercial sites that may come forward for residential-led redevelopment in the future, as it allows for their redevelopment on the same basis.
71. The proposal would involve relocating Block E by 5m towards the eastern site boundary. The consented site layout shows Block E being a distance of 18m from this boundary, and the proposal would reduce this distance to 13m. This would still comply with the requirement for a 9m separation distance, and the distances to other site boundaries, compared to the consented scheme, would not be affected by the proposal.
72. Whilst Block G would be located very close to the boundary with the industrial units on Carlisle Road, and would fall far short of the 9m typically required, the units within Block G have been designed to be single aspect above ground floor level, with the only windows facing Carlisle Road serving communal areas. This approach therefore ensures that the development would not jeopardise the operation or future development potential of this neighbouring industrial site.

### **Sustainability and energy**

73. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy CP19 and draft Local Plan Policy BSUI1, demonstrating at the design stage how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day. Major commercial floorspace is required to achieve a BREEAM Excellent rating and this also needs to be appropriately evidenced.
74. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy 5.2 and emerging London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions. For non-domestic floorspace, the policy target is a 35% on-site reduction, and this is to be evidenced separately in the Energy Assessment. Draft Policy SI2 also includes specific targets for energy efficiency measures and applies the zero carbon standard including 35% reduction in on-site emissions to both residential and commercial development.

### Carbon emissions

75. The Energy Assessment and Sustainability Strategy submitted sets out how the London Plan energy hierarchy has been applied, using energy efficiency measures and renewable energy. A wide range of passive design and energy efficiency measures would be employed, including improved fabric 'U' values, improved air tightness, minimising cold bridging, low energy lighting and smart meters. The potential for area wide and site wide heat networks has been assessed. There are no district heating networks in the vicinity of the site and none are planned for the near future. However, the design would be future-proofed to allow for future connection to a network, and further details of this would be required by condition. The proposal would provide a site-wide heat network serving all parts of the development, fed by air source heat pumps supplemented by water-to-water heat pumps within individual flats. Photovoltaic panels would be installed on some rooftops, to provide additional renewable energy and further reduce carbon emissions.
76. For the residential elements of the scheme, carbon emissions would be reduced by 57.5% over the Building Regulations 2013 baseline, including a 12.4% reduction through passive design and energy efficiency measures alone. A reduction of 45.2% would be achieved for the non-residential elements. The proposal represents a significant improvement on the performance of the consented scheme (40% reduction for residential and 30.4% reduction for non-residential) and exceeds the London Plan policy targets and this is welcomed. Furthermore, a BREEAM Pre-assessment has been carried out, indicating a minimum rating of 'Excellent' for the commercial and industrial units, in compliance with Policy CP19 and draft Policy BSUI1.
77. Revised Energy Assessments would be secured at detailed design and construction stages, together with a financial contribution to Brent's carbon offsetting scheme to achieve zero carbon residential development (this is predicted to be £322,823, based on the submitted details, however an improved

on-site carbon performance would result in a lower level of contribution). A Post-Completion Certificate to evidence the BREEAM Excellent rating would also be secured.

## **Flood risk and drainage**

78. The Environment Agency flood map shows the site to be located within Flood Zone 1, however as the site is larger than 1 hectare in area, a Flood Risk Assessment is required to demonstrate that the proposed development would be safe and would not increase flood risk in the surrounding area. The NPPF classifies the vulnerability of different forms of development to flooding, with residential development classified as 'more vulnerable', which is considered appropriate in Flood Zone 1. Further guidance on flood risk is set out in London Plan Policy 5.12, draft London Plan Policy S112, Brent's Policy DMP9A and draft Policy BSUI3. London Plan Policy 5.13, draft London Plan Policy S113 and Brent's Policy DMP9B and draft Policy BSUI4 set out principles for sustainable drainage strategies to be provided for major developments.
79. The Flood Risk Assessment submitted with the application concludes that the site is at a higher level than the adjacent Stag Lane and at a low risk of surface water and sewer flooding. Surface levels would be set to fall away from the buildings and basement entrances to prevent flooding from overland flow. The drainage strategy would deliver an 80% reduction of the existing peak runoff rate, utilising sustainable drainage measures such as blue/green roofs, podium drainage and below ground cellular storage. This represents an improvement on the consented scheme, which would deliver only a 50% reduction of the existing peak runoff rate.
80. The approach to flood risk and drainage would comply with the relevant policies and is considered to be acceptable. In terms of flood risk and drainage, there is minimal change from the consented scheme, and the same requirement for a detailed drainage strategy by condition is recommended.

## **Urban greening, trees and biodiversity**

### Urban greening

81. In line with London Plan Policy 5.10, draft London Plan Policies G1 and G5 and Brent's draft Policy BGI1, urban greening should be embedded as a fundamental aspect of site and building design. Features such as street trees, green roofs, green walls, rain gardens, wild flower meadows, woodland and hedgerows should all be considered for inclusion. The GLA has asked the applicant to calculate the Urban Greening Factor (UGF) for the development, as set out in Policy G5 of the draft London Plan, and to seek to achieve the specified target of 0.4 prior to the Mayor's decision making stage.
82. A drawing showing the surface cover types and accompanying UGF calculation has been submitted. This demonstrates an urban greening factor of 0.3 and although it would not achieve the target figure it would still represent a very significant improvement on the existing site conditions.

### Impact on trees and biodiversity

83. Draft London Plan Policy G7 and Brent's draft Local Plan Policy BGI2 requires major developments to make provision for planting and retention of trees on site. In this case, the site is not subject to any environmental designations other than a Tree Preservation Order covering the road frontage along the front of the satellite site.
84. A preliminary ecological appraisal was submitted, updating the survey carried out for the consented scheme in 2016. This found that the habitats present were predominantly buildings and hardstanding, with smaller areas of introduced shrubs, scrub, scattered trees, amenity grassland and poor semi-improved grassland habitat, which are considered common and widespread habitats with limited value to wildlife. On the main site, self-seeding ash, sycamore and alder saplings and shrubs were the only trees observed and were also observed during the 2016 survey. These are not considered to have any significant arboricultural value and their removal to facilitate the redevelopment of the site was considered acceptable in the determination of the consented scheme.
85. The Arboricultural Impact Assessment submitted identifies 21 individual trees and two tree groups within the area covered by the Tree Preservation Order. Of these, nine individual trees and one set of group value trees are required to be removed, although all of these are classified as either low or moderate value. The remaining trees are proposed to be retained along this frontage. Eight new trees are proposed to the Capitol Way frontage and five along Stag Lane. Therefore whilst there would be some

loss of trees, overall there would be a net gain through replacement planting which would enhance the street scene along both frontages. Furthermore, as discussed above there would be significant new tree planting within the communal gardens. The Tree Officer has no objection to the proposed removal of trees and welcomes the landscaping proposals to include new trees and hedges, subject to conditions to secure a detailed arboricultural method statement and tree protection plan

86. Trees and buildings within the site were also assessed for bat roost potential, and these were deemed to have negligible potential for bats other than two trees which were assessed as having low suitability (T12 Alder and T6 Norway Maple). These are amongst the trees that would be removed, and precautionary measures are recommended to prevent any harm to bat roosts that may be present. Mitigation measures regarding breeding birds and invasive species are also recommended. Informatives will be provided on these matters, which are covered by separate legislative regimes.
87. The proposal also presents opportunities for ecological enhancement, through providing green infrastructure within the site. The landscaping strategy would provide new habitat, and features such as bird boxes and insect refugia are recommended. Further details of these would be secured through the landscaping condition.

## **Environmental health considerations**

### Noise

88. A noise impact assessment has been submitted, demonstrating that noise limits within the site would comply with British Standards. Environmental Health officers have reviewed the assessment and have asked for confirmation that actual noise levels in the completed building would comply with these standards. A condition is recommended to secure this.

### Air quality

89. An air quality assessment including an air quality neutral assessment has been submitted, and has been accepted by Environmental Health officers. No conditions are required to ensure acceptable air quality. However a condition is recommended to secure further details of extract ventilation systems and odour control equipment associated with any A3 uses operating within the commercial units.

### External lighting

90. Details of external lighting would also be required by condition, to ensure that lighting from commercial uses does not adversely affect residents.

### Contaminated land

91. A preliminary investigation report has been submitted, which identifies a low to moderate risk of ground contamination from the current and former uses of the site. It recommends an intrusive site investigation to quantify risks identified. Environmental Health officers have been consulted and agree that further sampling and testing would be required, following demolition of the existing buildings. Conditions would be required to this effect.

### Wind microclimate

92. A wind assessment was submitted, using the Lawson Comfort Criteria to describe expected on-site wind conditions. Entrances and ground level areas would all have the desired wind conditions for standing and pedestrian use and upper level amenity spaces would be expected to be suitable for amenity use during the summer season. Stronger winds would be expected occasionally in areas with leisure walking conditions but would not cause a nuisance for pedestrians, and overall the wind microclimate is considered to be acceptable for its intended use.

### Construction management

93. A construction method statement is required, outlining measures to control dust, noise and other environmental impacts of the development. This would be secured as a pre-commencement condition, together with controls on non-road mobile machinery

## **Transport considerations**

94. Capitol Way is a local industrial access road with a width restriction and emergency gate at the junction with Stag Lane to the west. Stag Lane is a local distributor road and a bus route. On-street parking is generally unrestricted. Six bus routes serve the site, of which two can be accessed from Stag Lane and four others within walking distance. The nearest London Underground station is Burnt Oak, located 900m north of the site, which is served by the Northern Line. The Public Transport Access Level (PTAL) of the site is rated at 3 (on a scale where 0 is the lowest and 6b the highest). The A5 (Edgware Road) is located approximately 300m to the east.

#### Car parking

95. Car parking allowances for the proposed uses within the site are set out in Appendix 1 of the adopted Development Management Policies 2016, in accordance with Policy DMP12. As the site does not have good access to public transport services, the higher residential allowance set out in adopted policy applies, whilst the site's location in the north of the Borough means the higher employment standard of one space per 200sqm also applies. As such, up to 556 car parking spaces would be permitted for the 501 residential units, with 20 further spaces permitted for the commercial units (based on the office parking standard), giving a total allowance of 576 spaces. The proposed provision of just 126 parking spaces would therefore be within maximum parking standards. This would include 114 for residential use in a basement car park (a ratio of 0.22 spaces per unit), of which 15 spaces would be designated for disabled use (to serve 3% of the residential units) and 52 spaces could potentially be designated for disabled use in the future, subject to demand (to serve 10% of the units), thereby satisfying draft London Plan Policy T6.1 requirements. The remaining 12 spaces would be provided within the satellite site for commercial use.
96. The consented scheme would provide significantly more parking, including a total of 254 spaces for residential use giving a ratio of 0.6 spaces per unit, together with 26 spaces for commercial and visitor use. However, the draft London Plan is now a material consideration of significant weight and draft Policy T6 expects car-free development (i.e no general parking but disabled parking still to be provided in line with policy) to be the starting point for all new developments in places that are or are planned to be well-connected by public transport, whilst the minimum necessary parking should be provided elsewhere. Brent's draft Policy BT2 also reflects this position. The level of parking provision is considered to be acceptable given that it reflects the direction of travel set out in emerging policy.
97. The disabled spaces would be distributed evenly across the basement close to lift cores to facilitate easy access to the residential units. All 114 of the proposed basement spaces are shown with electric vehicle charging points (of which 20% would be active provision and the remainder passive provision), which would more than meet minimum requirements. In general the layout of all basement spaces in terms of dimensions and turning areas is acceptable. Transport officers have sought further clarification on headroom within the basement, which varies between 2.1m and 3.6m, as at least 2.6m would be required to allow access to disabled spaces by high-top conversion vehicles. The applicant has confirmed that the heights would be 2.6m.
98. A Parking Design and Management Plan would be required by condition to comply with draft London Plan Policy T6.1, setting out how the spaces would be allocated amongst residents to ensure that spaces are allocated on short-term leases based on need.
99. With regard to the 12 commercial spaces, at least one space would need to be marked for disabled parking and at least five spaces would need to be provided with active or passive electric vehicle charging points. Further details would be required by condition.
100. Where development is likely to generate overspill parking, Brent's Policy DMP12 requires that such parking can be safely accommodated on-street. In general, it is estimated that developments will generate car ownership at 75% of the residential (50% in the case of affordable housing units) and on this basis, the residential units are estimated to generate demand for 340 spaces, giving a predicted overspill of up to 226 cars from the site. Opportunities to safely accommodate overspill parking on-street in the surrounding area are limited. In the absence of a Controlled Parking Zone to regulate overspill parking from the site on surrounding roads, this proposal would give rise to concern over the impact of overspill parking, with the likelihood being that instances of dangerous and obstructive parking on footways, at junctions and across accesses would increase as a result.
101. Similar concerns regarding the impact on overspill parking in surrounding streets were raised during the determination of the consented scheme, and a contribution of £200,000 was secured to cover the

majority of the costs involved in implementing a Controlled Parking Zone in the area. It is noted that some objectors have raised concerns to the cost of a residents' parking permit. Overspill parking cannot be properly controlled where there are no CPZs in the local area. All Councils are required to meet their housing targets and are subject to the new Housing Delivery Test to ensure that they are achieved. The new housing would have a significant impact on the streets within Brent if the potential impacts of overspill parking cannot be controlled. The absence of a CPZ would therefore necessitate the provision of a significant amount of on-site parking which would result in very significant issues associated with traffic congestion and junction loadings, and would have significant air quality implications. As such, the introduction of CPZs to mitigate the potential impact of overspill parking is considered to be the best way to ensure the delivery of homes while mitigating the potential impacts. Notwithstanding concerns raised by the London Borough of Barnet in relation to parking provision, the nearby streets in Barnet already form part of a Controlled Parking Zone such that overspill parking from this development would be prevented there.

102. A contribution to implementing a Controlled Parking Zone would be required for this development (the exact amount is under discussion with the applicants). This would include £10,000 payable upfront to allow early consultation. Future residents and business tenants of the development would not be eligible for on-street parking permits, with the exception of permits for blue badge holders.

### Cycle parking

103. Draft London Plan Policy T5 requires at least 1.5 cycle parking spaces per 1bed flat and two spaces per larger flat, plus one space per 40 flats for visitors. To meet the residential requirement for this development, a total of 612 spaces are proposed within the basement in various stores, with a further 196 provided at mezzanine floor level in Block G, 10 in individual garden stores for ground floor units, and 26 for non-standard sized cycles at ground floor alongside the energy centre, together with additional Sheffield stands for short-stay use in the areas of public realm between the commercial units.

104. The access to the basement would be via ramped access with a gradient of 1:12, which provides an appropriate gradient for access to cycle parking. Further details of cycle storage have been provided in response to queries raised by Transport officers and TfL, and these have involved minor amendments to the plans, for example to utilise spare space within the energy centre to provide additional cycle storage, and to provide cycle maintenance hubs within the site.

105. For the commercial floorspace, 26 long-term and 8 short-stay spaces are required, giving a total need for 34 spaces. Again, Sheffield stands would provide for short-stay use whilst long-term storage would be provided within the units.

106. The cycle parking provision is in essentially the same locations as for the consented scheme, albeit with an increased number of long-stay residential spaces within the basement. Cycle parking provision would be secured by condition.

### Servicing and access

107. With regard to servicing, the workspace units would require loading by 8m rigid vehicles. It is proposed to provide five 12m long loading bays in laybys along the Capitol Way frontage, through a combination of narrowing the carriageway of Capitol Way and widening the footway. Compared to the consented scheme, the bays would be located further towards the eastern part of the site, which would enable vehicles to use the southern spur of Capitol Way to turn around. However, as with the consented scheme, there would be no loading bay directly outside Block A and goods would need to be trolleyed to this unit from the bay outside Block B.

108. The bays would result in the loss of on-street parking along this length of Capitol Way. This would not have been a concern based on Brent's 2013 survey of on-street parking, but the more recent rise in overnight parking identified in the applicant's parking beat surveys, which may relate to the TNQ development, means that there is a risk of parking being displaced into nearby residential streets further afield. This further justifies the requirement for a financial contribution towards a Controlled Parking Zone.

109. Delivery and servicing for Block F, the industrial unit on the satellite site, would be accommodated via a layby on Stag Lane.

110. Refuse collection and residential deliveries would be made from a one-way shared surface service road

of 3.7m minimum width through the site from Capitol Way to Stag Lane, with access to the service road controlled using gates set 10m in from the existing highway boundary. Tracking diagrams have been provided to show that the alignment of the road could accommodate refuse vehicles, whilst adequate visibility would be available at the site egress together with appropriate kerb radii to ease turning out of the site by refuse and delivery vehicles without overrunning the opposing traffic lane. It should be noted that due to the weight restriction on Stag Lane only delivery vehicles of less than 7.5 tonnes would be able to use this as an egress route, although larger vehicles could utilise the on-street loading bays.

- 111.** The minimum residential refuse storage capacity is 44,280l for recyclable waste, 44,280l for residual waste and 12,240l for organic food waste, which results in total minimum requirement of 100,800l. To meet this requirement, 50 x 1,100l Eurobins are proposed to be stored in five storage areas at ground floor level and a further 42 x 1,100l Eurobins in four storage areas in the basement. These areas combined result in a capacity of 101,200l, thus meeting the storage requirements. Furthermore, the dwellings fronting Stag Lane would have their own refuse stores which further adds to the capacity. The management company would need to bring the bins from the basement up to the courtyard areas on collection days.
- 112.** A detailed Delivery and Servicing Plan would be required by condition, which would need to consider management of deliveries to residential units including ensuring that weight restrictions on Stag Lane are observed, details of holding areas for refuse bins on collection day to ensure they do not obstruct movement or affect residential amenity, and arrangements for deliveries to the commercial unit in Block A given that there would be no adjacent loading bay.
- 113.** The internal access road for the development would also enable emergency services to penetrate the development and would ensure that fire appliances could reach within 45m of all block entrances and turn safely. A Fire Statement has been submitted, as required by draft London Plan Policy D12.
- 114.** The width of the proposed basement access ramp meets requirements and would allow cars to pass one another, with the gates being set back sufficiently from the highway boundary to allow cars to stand clear of the Capitol Way footway whilst they are opened and closed. Sightlines from the car park access would be acceptable, with the access located on the outside of a bend in Capitol Way.
- 115.** All redundant crossovers to the site from Capitol Way would need to be closed and reinstated to footway at the developer's expense, and this would be secured as part of the highway works in the s106 agreement. The proposed egress from Stag Lane would be in close proximity to an existing bus stop, and as with the consented scheme the relocation of this bus stop further to the south on Stag Lane would be required as a result of the scheme. A financial contribution to Transport for London of £30,000 would be secured for these works through the s106 agreement.
- 116.** With regard to pedestrian access, the proposed introduction of a network of footpaths through courtyards through the development, emerging between blocks onto Capitol Way, is welcomed, ensuring there would be fully segregated routes available for pedestrians.

### Transport Assessment

- 117.** To gauge likely impacts on local transport networks for the previous application, the applicants have submitted a Transport Assessment, which provided surveys of existing traffic movements, predicted trip generation figures for the proposal and the resultant impact on traffic movements on the surrounding highway network.
- 118.** The commercial trip rates predicted are the same as for the consented scheme, and this approach is broadly acceptable as there is no change to the floor area of the commercial units. For the residential trip rate, the TRICS database was interrogated to determine the total predicted people trips to and from the site, based upon six similar residential developments in outer London surveyed since 2016. A total of 32 inbound and 183 outbound trips are predicted in the weekday morning peak, 129 inbound and 64 outbound trips in the weekday evening peak and finally 80 inbound and 123 outbound trips in the Saturday peak. These trips were then further broken down into travel modes by reference to journey to work data, with the results reproduced in the table below.

	Car	Tube	Bus	Train	Walk	Cycle	Total people Trips
Weekday AM Peak	48	78	35	15	25	13	214

Weekday PM Peak	48	69	30	12	22	12	193
Saturday Peak	33	80	35	15	25	16	204

119. The total two-way trips for the residential element of the scheme are similar to those calculated for the consented scheme, despite the increased number of units. This is due to the use of more up-to-date surveys for more comparably sized developments than the previous Transport Assessment, which results in a lower average trip rate per unit.

120. The proposal is not therefore considered likely to result in any worsening of the vehicle trip impacts compared to the consented scheme. As such, the previous conclusions that the resultant junction modelling would be acceptable remain valid. Transport for London also support the conclusions of the Transport Assessment, and do not consider that it would give rise to any significant strategic traffic impacts.

121. However, the revised development is predicted to result in an increase in travel by sustainable transport modes, such as increased use of public transport. In this respect, Transport for London consider that whilst the additional trips would place a greater demand on services operating in the vicinity, it would not rise to a level that would be considered severe. A major upgrade scheme is planned for Colindale station and due to commence in summer or autumn 2020. This is to provide step free access alongside increased capacity and circulation to cater for growth in the Colindale area.

122. Transport for London are seeking a proportionate contribution towards the £2m approx. funding requirement for the station upgrade, based on the additional number of trips generated by this development, and a figure of £106,000 has been agreed with the applicant.

#### Highway works and Healthy Streets Assessment

123. The proposal would deliver amendments to the existing Stag Lane / Capitol Way junction and highway improvements on Capitol Way. Your transport officers and Transport for London are generally supportive of these, subject to detailed design being agreed through a s278 agreement with the highway authority, which would be secured through the s106 agreement. Transport for London consider the proposals to be in keeping with the Healthy Streets approach set out in draft London Plan Policy T2 and the aims of Vision Zero. A financial contribution to Transport for London of £30,000 towards relocation of the bus stop has been agreed with the applicant.

124. It is acknowledged that pedestrian and cycle facilities in the immediate vicinity of the site are not to such a standard that walking and cycling would become the default choices, for example the provision of formal pedestrian crossings along Stag Lane could encourage more pedestrian trips to be made. Other issues are identified in the Active Travel Zone Assessment which forms part of the Transport Assessment. These issues could be addressed through CIL funding, which this development would contribute towards.

#### Travel Plans

125. The scale of the proposal is such that it exceeds the threshold above which Residential and Workplace Travel Plans are required, and Travel Plans have been submitted as part of the application. Measures proposed include a car club parking space adjacent to Capitol Way. However, overall the Travel Plans require amendment in order to meet the required standards. Amended Travel Plans would be secured prior to occupation as part of the s106 agreement.

#### Construction Management

126. An outline construction management plan for the development has been submitted with the application, setting out key issues that would need to be addressed within a further detailed CMP over the 30-40 month demolition and construction period. Construction vehicles would be routed to and from the site via Edgware Road and un/loaded within the site boundary. Vehicles would only be able to access the site between 10:00 and 16:00 hours, to avoid peak traffic times in the area. These timings would be acceptable, and the framework plan is welcomed.

127. A detailed Construction Logistics Plan would need to be submitted prior to any works commencing on

site and kept under review thereafter. This would need to include co-ordination arrangements to ensure management of cumulative impacts.

## Equalities

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

## Conclusion

129. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.

130. The loss of industrial floorspace on this LSIS-designated space is considered to be acceptable given the weight attached to the consented scheme as a material consideration in this case. Furthermore, the high quality of design and landscaping and improvements to the public realm would create a sense of place, and the delivery of new commercial and industrial workspace, together with an increased number of residential units and increased proportion of affordable housing compared to the consented scheme, are considered to be beneficial in planning terms and to outweigh concerns regarding the loss of industrial floorspace.

## CIL DETAILS

This application is liable to pay **£16,496,245.61** \* 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): 0 sq. m.

Total amount of floorspace on completion (G): 49309.65 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
(Brent) Businesses and light industry	2259	0	2259	£0.00	£0.00	£0.00	£0.00
(Brent) Dwelling houses	44869.65	0	44869.65	£200.00	£0.00	£13,380,770.63	£0.00
(Brent) General business use	2181	0	2181	£40.00	£0.00	£130,081.07	£0.00
(Mayoral) Businesses and light industry	2259	0	2259	£0.00	£60.00	£0.00	£136,768.46
(Mayoral) Dwelling houses	44869.65	0	44869.65	£0.00	£60.00	£0.00	£2,716,579.41
(Mayoral) General business use	2181	0	2181	£0.00	£60.00	£0.00	£132,046.04

BCIS figure for year in which the charging schedule took effect (Ic)	224	331
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£13,510,851.70</b>	<b>£2,985,393.91</b>

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

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

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/4545

To: Mr Coleman  
Rolfe Judd Planning  
Old Church Court  
Claylands Road  
The Oval  
London  
SW8 1NZ

I refer to your application dated **27/12/2019** proposing the following:

Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to twelve storeys comprising residential units and commercial floorspace, and the erection of a part two part three storey commercial building with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.

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

at **1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ**

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: 15/06/2020

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

### Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

National Planning Policy Framework 2019  
London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016

- 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):

NEA001-DCR-EX-LP-A-001  
NEA001-DCR-ZZ-EL-A-0007  
NEA001-DCR-EX-SP-A-0002  
NEA001-DCR-EX-E-A-0001  
NEA001-DCR-00-PL-A-0001 REV A  
NEA001-DCR-GF-PL-A-0100  
NEA001-DCR-GF-PL-A-0101  
NEA001-DCR-GF-PL-A-0102  
NEA001-DCR-GF-PL-A-0103  
NEA001-DCR-GF-PL-A-0104  
NEA001-DCR-GF-PL-A-0105  
NEA001-DCR-01-PL-A-0002  
NEA001-DCR-01-PL-A-0200  
NEA001-DCR-01-PL-A-0201  
NEA001-DCR-01-PL-A-0202  
NEA001-DCR-01-PL-A-0203  
NEA001-DCR-01-PL-A-0204  
NEA001-DCR-01-PL-A-0205  
NEA001-DCR-02-PL-A-0003  
NEA001-DCR-02-PL-A-0300  
NEA001-DCR-02-PL-A-0305  
NEA001-DCR-03-PL-A-0004  
NEA001-DCR-03-PL-A-0400  
NEA001-DCR-03-PL-A-0404  
NEA001-DCR-03-PL-A-0405  
NEA001-DCR-04-PL-A-0005  
NEA001-DCR-04-PL-A-0505  
NEA001-DCR-05-PL-A-0006  
NEA001-DCR-05-PL-A-0601  
NEA001-DCR-05-PL-A-0605  
NEA001-DCR-06-PL-A-0007  
NEA001-DCR-06-PL-A-0701  
NEA001-DCR-06-PL-A-0702  
NEA001-DCR-06-PL-A-0705  
NEA001-DCR-07-PL-A-0008  
NEA001-DCR-07-PL-A-0802  
NEA001-DCR-07-PL-A-0803  
NEA001-DCR-08-PL-A-0009

NEA001-DCR-08-PL-A-0903  
NEA001-DCR-09-PL-A-0010  
NEA001-DCR-10-PL-A-0011  
NEA001-DCR-10-PL-A-1104  
NEA001-DCR-11-PL-A-0012  
NEA001-DCR-11-PL-A-1204  
NEA001-DCR-12-PL-A-0013  
NEA001-DCR-BF-PL-A-9002  
NEA001-DCR-DE-A-401  
NEA001-DCR-DE-A-402  
NEA001-DCR-DE-A-403  
NEA001-DCR-DE-A-404  
NEA001-DCR-DE-A-405  
NEA001-DCR-DE-A-406  
NEA001-DCR-DE-A-407  
NEA001-DCR-DE-A-408  
NEA001-DCR-DE-A-409  
NEA001-DCR-DE-A-410  
NEA001-DCR-DE-A-411  
NEA001-DCR-SP-A-0001  
NEA001-DCR-ZZ-EL-A-0001.  
NEA001-DCR-ZZ-EL-A-0002  
NEA001-DCR-ZZ-EL-A-0003  
NEA001-DCR-ZZ-EL-A-0004  
NEA001-DCR-ZZ-EL-A-0005  
NEA001-DCR-ZZ-EL-A-0006  
NEA001-DCR-CO-PL-A-310 Rev A  
NEA001-DCR-CO-PL-A-311 Rev A  
NEA001-DCR-CO-PL-A-312 Rev A  
NEA001-DCR-GF-PL-A-313 Rev A  
NEA001-DCR-CO-PL-A-314 Rev A  
NEA001-DCR-CO-PL-A-315  
NEA001-DCR-CO-PL-A-316  
S42-CTF-XX-22-DR-L-7002-P03

Air Quality Assessment (AECOM, December 2019)  
Arboricultural Impact Assessment (Arbtech, Rev A, 27 November 2019)  
Archaeological Desk Based Assessment (AECOM, December 2019)  
Basement Impact Assessment (A-squared Studio, ref 0356-A2S-XX-XX-RP-Y-0001\_04, December 2019)  
Daylight, Sunlight and Overshadowing Report (The Chancery Group, Ref C1023/DSO, 5 December 2019)  
Design & Access Statement (Dunnett Craven, December 2019) and Appendix (Dunnett Craven, May 2020)  
Drainage Strategy (Meinhardt, Ref 1937-MHT-CV-RPT-01, Issue P05, 12 December 2019)  
Economic Viability Report (JLL, December 2019)  
Energy Assessment and Sustainability Strategy (Meinhardt, Issue P5, 12 December 2019)  
Fire Strategy Report (Astute Fire, 10 December 2019)  
Flood Risk Assessment (AECOM, December 2019)  
Healthy Streets Transport Assessment (Ardent Consulting Engineers, Ref 192980-02D, December 2019)  
Noise and Vibration Assessment (AECOM, December 2019)  
Outline Construction Logistics Plan (Ardent Consulting Engineers, Ref 192980-03D, November 2019)  
Planning Statement (Rolfe Judd Planning, Ref P7338 PP-08298457, December 2019)  
Preliminary Ecological Appraisal (AECOM, December 2019)  
Residential Travel Plan (Ardent Consulting Engineers, Ref 192980-05C, November 2019)  
Statement of Community Involvement (Snapdragon at PLMR, November 2019)  
Workplace Travel Plan (Ardent Consulting Engineers, Ref 192980-05C, November 2019)  
Wind Assessment (RWDI, #2000526-REV B, 10 December 2019)

Reason: For the avoidance of doubt and in the interests of proper planning. The development hereby permitted shall be carried out in accordance with the following approved drawing(s)

and/or document(s):

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

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

- 4 The building marked as Block F on the approved plans shall not be used other than for purposes in Use Classes B1(b), B1(c), B2 or B8, notwithstanding the provisions of Schedule 2 Part 3 Class P 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 an adequate amount of industrial floorspace is retained on the site.

- 5 The development shall provide 501 residential units (Class C3), as shown on the approved plans, unless otherwise approved by the Local Planning Authority.

Reason: To ensure the development delivers housing to meet the needs of the Borough.

- 6 The development shall provide a total of 4,051sqm of commercial floorspace (in Use Classes B1(a),(b) and (c), B8, D2 and A3) across the site as shown on the approved plans, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure adequate provision of commercial floorspace as part of the development.

- 7 The parts of buildings marked as 'commercial' on Blocks A, B, C, D and E on the approved plans shall not be used other than for purposes in Use Classes A, B or D, notwithstanding the provisions of Schedule 2 Part 3 Class I, Class O and Class P 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 an adequate amount of commercial floorspace and an active street frontage is retained on the site.

- 8 10% of the proposed units shall be completed as Wheelchair accessible (in the case of Affordable Rented homes) or easily adaptable (in the case of Private and Intermediate homes) in accordance with Building Regulations requirement M4(3) as set out on the approved drawings listed in Condition 2 and the remaining homes within the development shall be completed in accordance with Building Regulation requirement 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.

- 9 Electric vehicle charging points shall be provided in accordance with the approved plans prior to the commencement of use and occupation of the development, and shall not be altered thereafter without prior written consent from the local planning authority.

Reason: To ensure appropriate provision of electric vehicle charging points to meet the current standards and future demand.

- 10 All parking spaces, cycle parking, bin storage, turning areas, loading bays, access road and footways shall be constructed and permanently marked out prior to first occupation of the

relevant part of the development and thereafter shall not be used other than for purposes ancillary to the development hereby approved.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway. To ensure an acceptable form of development.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies 5.3 and 7.14A

- 12 The development hereby approved shall not be commenced until a phasing plan showing the location of phases (and their related land, e.g. parking and amenity spaces), the sequencing for those phases and indicative timescales for their delivery shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the plan thereby approved. The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge, and to ensure coordination between the phasing plan as approved and the triggers in any relevant agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended).

Pre-commencement reason: This information is needed prior to commencement in order to ensure that the phasing of the construction process is acceptable.

- 13 The development hereby approved shall not commence until a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority, outlining how construction vehicle activity will be managed throughout the construction process.

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

Reason: In order to minimise any adverse impacts of the construction process upon the highway network in the area.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 14 Prior to the commencement of the development, a Construction Method Statement and Construction Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development at each stage of the works including demolition, earthworks, construction and track out.

The development shall be carried out strictly in accordance with the agreed details.

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

Reason for pre-commencement condition: Environmental nuisance caused by the construction process can occur at any time from commencement, and adequate controls need to be in place at this time.

- 15 Prior to development commencing in a Phase, details of tree protection measures for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the relevant demolition and construction phase. Such details shall include:

(i) detailed drawings showing all existing trees which are not directly affected by the building(s) and works hereby approved within the relevant Phase. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority.

(ii) a detailed arboricultural method statement and tree protection plan including details of all works in the relevant phase including excavations for drainage and other services within the root protection area of any retained tree relating to all stages of development, including a detailed methodology and specification for an airspace investigation in proximity to T13 where works are to be undertaken in the vicinity of T13; These details shall observe the principles embodied within BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site in the relevant Phase, shall be retained during the course of demolition and construction, and shall not be varied without the written agreement of the Local Planning Authority.

(ii) following the airspace investigation referred to in part (ii) above, if it is found that the root incursion would be too damaging to retain T13, then proposals shall be submitted to and approved in writing by the local planning authority to remove and replace this category B tree with an advanced nursery stock 18-20cm girth *Carpinus betulus* (Common Hornbeam).

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

Any such tree(s) which subsequently die, become seriously damaged or diseased, or have to be removed as a result of carrying out this development, shall be replaced with a tree of a species and size and in such position, as the Local Planning Authority may require, in conjunction with the general landscaping required herein.

Reason: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

Pre-commencement reason: The impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

- 16 (a) The development hereby approved shall not commence (other than site clearance and the demolition of the existing building) unless a site investigation is carried out and remediation strategy is prepared by an appropriate person in accordance with BS 10175:2011 + A2:2017 and 'Model Procedures for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11) (or other such updated British Standard) to determine the nature and extent of any contamination present. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (other than site clearance and the demolition of the existing building), that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found.

If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

(b) Prior to first residential occupation of the development, or the commencement of the approved use within the development hereby approved, a verification report written by a suitably qualified person in accordance with BS 10175:2011 + A2:2017 and 'Model Procedures for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11) (or other such updated British Standard) must be submitted to and approved in writing by the Local Planning

Authority stating that remediation has been carried out in accordance with the remediation scheme approved above and the site is safe for end use.

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with Policy 5.21 of the London Plan (2016).

- 17 The development hereby approved shall not commence (other than site clearance and the demolition of the existing building), until further details of the basement (including a cross section) has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the headroom that will be achieved above the aisles within the basement car park, which shall be at least 2.6m along all access routes to disabled parking spaces unless otherwise approved in writing by the Local Planning Authority.

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

Reason: In the interest of vehicular flow and safety, disabled access, access and egress and sustainability.

- 18 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), details of materials for all external work (including samples which shall be made available for viewing on site or in another location as agreed) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include mitigation measures to provide sitting wind conditions on balconies affected by stronger winds as recommended in paragraph 6.1.4 of the approved Wind Assessment.

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

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

- 19 Within six months of commencement of development, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. Such landscaping work shall be completed prior to first use or occupation of the development hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) The planting scheme for the site, which shall include species, size and density of plants, sub-surface treatments;
- b) Details of any trees to be trans-located, replaced, and retained, including design of tree pits;
- c) Any walls, fencing and any other means of enclosure, including materials, designs and heights;
- d) The treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials;
- e) details of levels and contours within the site and adjoining the site;]
- f) biodiversity enhancement measures in accordance with recommendations in the Preliminary Ecological Appraisal (AECOM, December 2019);
- g) a landscaping maintenance strategy, including details of management responsibilities.

Any trees and shrubs planted, trans-located in accordance with the landscaping scheme and any shrubs which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted as soon as practicable as those trees or shrubs have been affected.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- 20 Notwithstanding the approved plans, prior to first occupation of commencement of use of the development, further details of cycle storage, which shall be in accordance with London Cycling Design Standards, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full prior to first occupation of the relevant part

of the development, being the part of the development that the cycle storage serves.

Such details shall include:

- 843 secure weatherproof cycle storage spaces for residential use and, if the mezzanine level is proposed to house a portion of these cycle spaces, details of a suitable bicycle lift (or suitable alternative arrangement) to ensure access to this level;
- Revised details for the 26 cycle storage spaces for office use which shall be within close proximity to the use to which they will serve;
- A total of 20 'Sheffield' cycle stands shall be delivered within close proximity to Capitol Way for visitor use.

Reason: In the interests of highway flow and safety, and sustainable transport.

- 21 Prior to commencement of development (excluding any demolition or site clearance), further details of how the development shall be designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.6.

- 22 Prior to first occupation or use of the residential parts of the development, further details of external childrens play areas, any associated equipment and appropriate access arrangements shall be submitted to and approved in writing by the Local Planning Authority and the play areas shall be completed in accordance with the approved details prior to first occupation of the relevant phase.

Reason: In order to ensure satisfactory provision of the playground and its equipment.

- 23 Prior to first occupation or use of the development, details of photovoltaic panel arrays and air source heat pump installations shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that the carbon emissions reductions attributed to these elements will be as set out in the detailed design stage Energy Assessment, and shall include plan and elevation drawings to adequately demonstrate the visual impact upon the street scene of the installed energy facilities. The energy facilities shall be installed and operational in accordance with the approved details prior to first occupation or use of the development.

Reason: To ensure compliance with London Plan Policy 5.2 is achieved without detriment to the surrounding street scene.

- 24 Prior to the installation of CCTV equipment, details of any CCTV equipment shall be submitted to and approved in writing by the Local Planning Authority. The CCTV equipment shall thereafter be installed in accordance with the approved details prior to first occupation of the relevant part of the approved development.

Reason: In the interests of safety and security.

- 25 Prior to first occupation or use of the development, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall thereafter be implemented from first occupation of the development. The Delivery and Servicing Plan shall have regard to TfL guidance regarding Delivery and Servicing Plans.

The Delivery and Servicing Plan shall include details of how Unit A would be serviced in order to minimise the risk of delivery vehicles standing in close proximity to the mini-roundabout at the junction of Capitol Way and Stag Lane.

The Delivery and Servicing Plan shall include a restriction on the use of the loading bays along Capitol Way to 30 minutes maximum, and measures to ensure non-residential deliveries

including unloading and loading shall not be undertaken other than between the hours of 0800 and 2100 Monday to Friday and between 0800 and 1300 on Saturday.

Reason: In the interest of the free and safe flow of traffic on the highway network. To limit the detrimental effects of noise and disturbance from vehicles on the premises on adjoining residential occupiers.

- 26 Prior to first occupation or use of the development, a Parking Design and Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London, and the plan shall thereafter be implemented in full for the life of the development. The Plan shall be in accordance with the requirements of draft London Plan Policy T6.1 and shall include (unless otherwise agreed by the Local Planning Authority):

- Details of the Car Parking Spaces, comprising the location of spaces and the maximum number of car parking spaces within each area;
  - The means by which parking spaces are allocated, leased and monitored;
  - The location of blue badge parking spaces, the number of spaces within each area and the route between the parking spaces and the uses they serve, including any management measures to assist disabled visitors
- Within the on-site commercial parking, the provision of one blue badge parking space and five spaces with either active or passive electric vehicle charging points.

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

Reason: In the interest of highway flow and safety, disabled access, access and egress and sustainability.

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

The approved equipment shall be installed prior to the operation of the commercial kitchen, and shall thereafter be operated at all times during the operating hours of the associated commercial unit and maintained in accordance with the manufacturer's instructions.

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

- 28 Prior to first occupation of the residential units hereby approved, details of a scheme of sound insulation between the commercial and residential units shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation measures approved shall be installed prior to first occupation of the residential unit(s) and maintained as such in perpetuity.

Reason: To protect the amenity of future residents.

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

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

Prior to first occupation of the development, a test shall be carried out to demonstrate that the required noise levels have been met and the results shall be submitted to and approved in writing by the local planning authority.

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

- 30 Prior to first occupation or use of the development, details of all external lighting, together with the lighting lux plan showing the lux levels (in vertical illuminance) at the nearest residential

window façade, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure external lighting from commercial uses does not adversely impact upon neighbouring residential uses, in accordance with Brent Policy DMP1.

- 31 All residential premises shall be designed in accordance with BS 4142:2014 guidelines.

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

An assessment of expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and shall be submitted to and approved in writing by the local planning authority, including any mitigation measures necessary to achieve the above required noise levels, prior to first occupation of the development.

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

Reason: To ensure acceptable noise levels for residential occupiers, in accordance with Brent Policy DMP1.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The developer should be aware of any protected species legislation relevant to the implementation of this development. Further guidance on construction near protected species can be found at <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>.
- 3 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall 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.
- 5 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.
- 6 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)

- 7 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 8 The Council recommends that the maximum standards for fire safety are achieved within the development.

- 9 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00

Saturday - permitted between 08:00 to 13:00

At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at [ens.noiseteam@brent.gov.uk](mailto:ens.noiseteam@brent.gov.uk) to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

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