

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

22 July, 2020
04
19/4444

SITE INFORMATION

RECEIVED	18 December, 2019
WARD	Queensbury
PLANNING AREA	
LOCATION	Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP
PROPOSAL	Demolition of existing buildings and redevelopment of the site to provide a part -2, part-4 and part-6 storey plus basement development comprising self-contained residential units (use class C3) and commercial floor space (Use class B1c) together with associated private and communal space, car parking and cycle storage and public realm improvements (amended description) subject to Deed of Agreement dated xx xx 2020 under Section 106 of the Town and Country Planning Act 1990.
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_148253</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "19/4444" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to

1. Any direction by the Secretary of State pursuant to the Consultation Direction
2. The prior completion of a legal agreement to secure the following planning obligations:

- (i) payment of the Council's legal and other professional fees;
- (ii) notification of material start
- (iii) *Affordable housing*: provision of seven units within the development for shared ownership. Late stage viability review mechanism to reasonably capture any improvement in viability for deferred affordable housing planning obligations.
- (iv) *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.
- (v) *Undertaking of highway works* through an agreement under S38 and S278 of the Highways Act 1980, including: Construction of footway to adoptable standards, financial contribution of £8,000 towards planting of street trees.
- (vi) *Contribution to implementation of future Controlled Parking Zone* of £10,000. Parking permit restrictions.
- (vii) *Training and employment of Brent residents* - Prior to a material start to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works. And, prior to a Material Start to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development.

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

Conditions

Compliance

- 1 Three year rule
- 2 Approved plans / documents
- 3 No C3 to C4 conversions without planning permission
- 4 No B1 to C3 conversions without planning permission
- 5 Non-road mobile machinery
- 6 Provision of parking, loading, cycle storage and bin storage
- 7 Limit water consumption to 105llpd
- 8 Obscure glazed window
9. Number of residential units

Pre-commencement

10. Construction Method Statement
- 11 Construction Logistics Plan

During construction

12. Fire Strategy
- 13 Site investigation for contaminated land
- 14 Piling method statement prior to any piling
- 15 Details of materials, external plant and balcony screening
- 16 Details of wheelchair accessible and adaptable units
- 17 Details of hard and soft landscaping
- 18 Details of PV panels

Pre-occupation

- 19 Contaminated land remediation measures
- 20 Assessment of plant noise and mitigation
- 21 Sound insulation for residential units

Informatives


- 1 CIL liability
- 2 Party Wall Act
- 3 Building near boundary
- 4 Liaison with London Underground
- 5 Working near Thames Water assets
- 6 Asbestos control
- 7 Quality of imported soil
- 8 Operational safety of railway
- 9 London Living Wage
- 10 Fire safety standards
- 11 Notify Highways of commencement
12. Construction hours

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

D. That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

E. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.12

SITE MAP

 Brent	Planning Committee Map
Site address: Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP	
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This map is indicative only.

PROPOSAL IN DETAIL

The proposal is to demolish the existing buildings on site and construct a building ranging in height from two to six stories, with an additional basement storey and a lift overrun / stairwell at seventh storey level to provide access to the roof.

The proposal would provide 1,637sqm of industrial floorspace (use class B1c) and 40 residential units (comprising 14 x 1bed, 18 x 2bed and 8 x 3bed units), with associated parking, servicing, cycle storage and bin storage, hard and soft landscaping.

EXISTING

The site consists of the industrial units Nos 2, 3, 4 and 4A at 62 Lowther Road. Nos 4 and 4A comprise a two-storey flat-roofed brick built building with a single-storey front and side extension and Nos 2 and 3 form a similar two-storey flat-roofed building. Both buildings have single-storey gable-roofed extensions to the rear. Nos 4 and 4A are in use as a safety belt manufacturer and fitter, whilst No 3 is in use as a car repair workshop and No 2 as a salmon smokery. The frontage of the units is in the ownership of the highway authority but is used for parking cars and there is vehicular access between the two units.

The site is on the northern side of Lowther Road, with uses to the east including an office building partly converted to residential use under permitted development rights at Freetrade House and a community centre, the Northwest Jamathkhana, on the corner of Lowther Road and Cumberland Road. On the southern side of Lowther Road are industrial uses and further to the southeast is a Morrisons superstore. The northwest site boundary adjoins the borough of Harrow, where Lowther Road changes to a suburban residential character comprising two-storey semi-detached maisonettes and a supported living home at the turning circle of the cul-de-sac. The Jubilee Line runs parallel to Lowther Road along the northeast of the site.

The site is part of a designated Locally Significant Industrial Site (LSIS). It is not in a conservation area and does not contain any listed buildings.

AMENDMENTS SINCE SUBMISSION

Amended plans were received on 11 February 2020, amending the basement and ground floor layouts in order to address concerns raised by the Secure by Design officer, and increasing the degree of set back from the southeast elevation on the ground and first floors, in order to address officer concerns regarding the separation distance to the adjoining site at Freetrade House. The Daylight and Sunlight Report was subsequently amended to incorporate these changes, a revised version being submitted on 9 April 2020.

As a result of the ground floor set back, the commercial floorspace was reduced from 1,745sqm to 1,637sqm. This does not materially alter the nature of the scheme as the amount of floorspace provided would still comply with the relevant policies, and would not prejudice the interests of neighbouring properties in any way such that reconsultation would be required. The revised Daylight and Sunlight Report demonstrates that the impact on neighbouring properties would be reduced as a result of the increased set back and identifies the location of windows affected, and this also did not require reconsultation.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. 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: Two neighbour objections have been received, raising concerns about the loss of existing employment uses on a Locally Significant Industrial Site, amount of affordable housing and housing mix, height of building in relation to surrounding area, overshadowing and loss of light and privacy to neighbouring properties, amount of residential amenity space and number of single aspect units, and low levels of parking and servicing.

Principle of development: The site is proposed to be allocated in Brent's draft Local Plan for mixed use development involving co-location of industrial and residential uses. Whilst adopted policies seek to retain

LSIS sites in solely industrial use, the emerging policy context encourages the redevelopment of suitable sites to include residential use and intensify industrial use. The proposal would increase the amount of industrial floorspace on site and would also provide 40 new housing units to contribute to the Borough's housing targets. As such it responds well to the intention of the emerging policy context and proposed site allocation, and is considered to be acceptable in principle.

Housing mix and affordable housing: The proposal would provide seven units for shared ownership (19% by habitable room) and has been supported by a Financial Viability Appraisal which has been robustly reviewed on behalf of the Council. Your officers acknowledge that the amount of affordable housing would be limited and that it would not include any affordable rent units, but consider it to be significantly beyond the maximum reasonable amount of affordable housing that the scheme could provide. Further sensitivity testing has established that the scheme could theoretically provide 3 affordable rent homes instead of the 7 intermediate homes. However, the need to provide a significant amount of industrial space results in an inability to feasibly provide access to those homes through a separate core (a requirement of Registered Providers of Affordable Housing). Analysis also showed that the scheme could not deliver a significant financial contribution to off-site affordable housing as an alternative to shared ownership units, and that the additional basement floorspace does not significantly affect viability in this instance. A late stage review mechanism would secure further contributions should the viability of the scheme improve. The proportion of family-sized units (20%) would be below the policy target for new family sized homes within the borough set out in Policy CP2 and emerging policy BH6 but is considered reasonable having regard to scheme viability.

Design, scale and appearance: The maximum building height of six stories stepping down to two stories on the boundary with low-rise residential properties reflects the design principles set out in the proposed site allocation and is considered to be appropriate given the proposal to allocate surrounding sites for redevelopment on a similar scale and the visual buffer provided by the railway embankment. The square plan form would be well modulated by progressive set-ins from the side boundaries and by high quality architectural detailing. The proposal would provide an active commercial frontage at ground floor level, adequate space to the sides to provide an appropriate setting, and would include highway works to provide landscaping, street trees and an enhanced footway on the site frontage. Overall the design is considered to be of a high standard.

Residential living standards: All units would comply with minimum space standards and the number of single aspect units would be minimised, with none being north-facing. External amenity space would be provided to comply with the targets set out in Policy DMP19.

Relationship with neighbouring properties: Separation distances would be sufficient to provide adequate levels of privacy for neighbouring residents and to allow the adjoining site to come forward for redevelopment. There would be no materially adverse impacts on the traditional two-storey properties to the northwest, and the impacts on the residential units to the southeast would be commensurate with high density urban lifestyles.

Environmental health considerations: Conditions would secure appropriate safeguards in terms of noise and vibration, air quality, contaminated land and the construction process.

Energy and sustainability: Carbon emissions would be reduced by 46.1% over the Building Regulations 2013 baseline for the residential element and by 13.4% for the commercial element, with the resultant financial contribution estimated to be £61,190. A BREEAM Excellent rating is predicted. A revised Energy Assessment, financial contribution and BREEAM Completion certificate would be secured through the section 106 agreement.

Flood risk and drainage: The site is in Flood Zone 1 for fluvial flooding but land that is liable to surface water flooding. The Flood Risk Assessment and Drainage Strategy would reduce discharge rates, and the use of an attenuation tank is considered acceptable.

Trees and biodiversity: The Ecological Appraisal concludes there is no significant ecological interest on site, and the development is not considered likely to impact on any trees growing nearby. There are no protected trees or notable trees in the vicinity. Additional landscaping and tree planting is proposed, including street trees.

Transport considerations: The proposal would provide one disabled parking space for residents on site, which your transport officers consider could be supported subject to a financial contribution to the introduction of a Controlled Parking Zone in Lowther Road and removal of parking permits for residents. Residential and commercial cycle storage would be provided to London Plan standards, and bin storage would comply with

the Council's requirements. An on-site loading bay would be provided to service the commercial units, and tracking diagrams have been provided to demonstrate that service vehicles could turn and egress Lowther Road in forward gear without encroaching on the private road to the northwest. A construction logistics plan would be required by condition.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

93 neighbouring properties were consulted by letter on 20 December 2019, including the Friends of Eton Grove Park Residents Association and 30 properties in the adjoining borough of Harrow. A press notice was published on 2 January 2020 and a site notice was posted on 7 January 2020. Two objections and one neutral comment were received, and are summarised in the following table:

Comment	Officer response
Consultation process will not affect outcome	All responses are considered in the assessment of the application.
Impact of construction phase in terms of noise, pollution and road obstruction.	A Construction Method Statement would be required by condition, and would ensure that appropriate measures are in place to minimise these impacts of the construction process.
Article 4 Direction is in place to restrict permitted development rights in order to prevent displacement of existing businesses.	The Article 4 Direction prevents the change of use of industrial units under permitted development (without planning permission) but does not preclude the redevelopment of sites in a policy-compliant manner.
Application is contrary to Policy DMP14 regarding loss of employment space without provision of 50% affordable housing to compensate.	This issue is discussed under 'Principle of development'.
Affordable housing provision not sufficient to comply with Policy DMP15.	This issue is discussed under 'Affordable housing and housing mix'
Design, dimensions and proximity of building to neighbouring properties would lead to loss of privacy, loss of light and overshadowing.	This issue is discussed under 'Relationship with neighbouring properties'
Housing mix does not comply with Policy CP2	This issue is discussed under 'Affordable housing and housing mix'
Height would add to intrusiveness of the development, would tower above all other buildings in the area and would set a precedent for the area, breaking the established skyline.	This issue is discussed under 'Design, scale and appearance'.
Parking provision not sufficient to comply with Policy DMP12.	This issue is discussed under 'Transport considerations'.

Amenity space provision would not comply with Policy DMP19.	This issue is discussed under 'Residential living standards'.
High number of single aspect dwellings would provide poor quality accommodation.	This issue is discussed under 'Residential living standards'.
Loss of existing servicing with no replacement servicing on site.	This issue is discussed under 'Transport considerations'.
Residential use in protected employment area will give rise to amenity concerns and conflicts, and lack of adequate parking and servicing will prejudice operation of neighbouring businesses.	The emerging policy context supports redevelopment to co-locate residential and industrial uses, subject to other material planning considerations. Residential uses are already present on Lowther Road including in the adjoining Freetrade House. Parking and servicing is considered under 'Transport considerations'.

External and statutory consultees:

London Borough of Harrow: No objection, however informative added regarding transport issues.

London Underground: No objection subject to condition in relation to detailed design and method statements. However, this is controlled through other legislation and cannot be secured within a planning consent. An informative has been recommended.

Secure by Design officer: Recommended changes to site, ground floor and basement layout. These have been addressed through the submission of amended plans.

Thames Water: No objection subject to conditions and informatives.

Internal consultees:

Environmental health: No objection subject to conditions.

Issues raised by neighbours and consultees are discussed in the relevant sections of the report.

Community involvement

Pre-application engagement activities undertaken by the applicants are described in the Statement of Community Involvement submitted. These included meetings with local councillors, community groups and businesses, and a public exhibition advertised by letters and leaflets to local residents and other stakeholders. This is considered to represent an appropriate level of community engagement for a scheme of this size.

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 Brent Development Management Policies 2016.

Key policies include:

London Plan 2016

- 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
- 3.8 Housing choice
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 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
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature

Brent Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP6 Design & Density in Place Shaping
- CP19 Brent 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
- DMP8 Open Space
- DMP9b On Site Water Management and Surface Water Attenuation
- 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.

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Key relevant policies include:

Draft New London Plan

- D3 Optimising housing density
- D4 Delivering good design
- D5 Inclusive design

D6	Housing quality and standards
D7	Accessible housing
D10	Basement development
D12	Fire safety
D13	Agent of Change
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
H1	Increasing housing supply
H2	Small sites and small housing developments
H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
G1	Green infrastructure
G5	Urban greening
S4	Play and informal recreation
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI5	Water infrastructure
SI13	Sustainable drainage
T5	Cycling
T6	Car parking
T6.1	Residential parking

Draft Local Plan

DMP1	Development management general policy
BNSA3	Queensbury LSIS and Morrisons
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BE1	Economic growth and employment opportunities for all
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

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

Principle of development

Policy background

1. The site is in existing employment use and covered by a Locally Significant Industrial Site (LSIS) designation. Core Strategy 2010 Policy CP20 outlines that the council will protect LSIS for the same range of uses as Strategic Industrial Locations. The regeneration of these sites is supported where the proposals would not undermine the employment land hierarchy, although the supporting text makes clear that this policy aims to secure the status of the location as an industrial employment area through redevelopment for industrial use. Policy DMP14 provides further protection for LSIS sites, setting out specific criteria for their release, and seeks to limit the loss of industrial land to approximately 11.5ha within the plan period.
2. However, this excess capacity was subsequently met and if all consents / proposals were implemented, the resultant loss of industrial land would exceed the policy target before the end of the plan period and any further loss of industrial floorspace would reduce Brent's industrial land supply and would be inconsistent with Policy DMP14. The draft new London Plan also identifies that across London loss of employment sites has been far greater than expected, and proposes that across London as a whole there should be no further losses.
3. Draft Policy E7 sets out an approach to combining increased industrial capacity with the delivery of other planning objectives, by encouraging industrial intensification and co-location with other uses including residential, on suitable sites in locations well-connected by public transport. The policy seeks a plan-led approach to identifying areas within LSIS designations that are suitable for intensification and co-location. This is reinforced within draft Policy BE2 of Brent's draft Local Plan which looks to establish the framework to meet both housing need and industrial capacity, and land is identified where both can be provided (known as co-location). The draft Local Plan has designated this LSIS site (Lowther Road LSIS) for intensification and co-location and while the GLA have objected to the proposed policy designation of some Strategic Industrial Locations for co-location, they have not objected to the LSIS designation and the principle of co-location is in line with the emerging London Plan. It is considered that policy BE2 can be given weight in relation to this site.
4. Brent's draft Local Plan identifies this site as part of a site allocation (BNSA3: Queensbury LSIS and Morrisons), within which the Lowther Road LSIS is allocated for co-location to include residential floorspace. This allocation is supported by draft Policy BE2, which supports intensification and co-location subject to detailed criteria including a net increase in employment floorspace.
5. The NPPF 2019 also emphasises the provision of new homes as one of the key roles of the planning system, and this is reflected in the housing targets set out in Core Strategy Policy CP2, which aims to deliver 22,000 new homes over the 2007-2026 period. The draft new London Plan proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year. Brent's draft Local Plan responds to these targets by proposing plan-led growth and site-specific allocations concentrated in a number of Growth Areas. Emerging policy BH1 reflects the draft London Plan target.

Employment floorspace

6. The proposal would provide 1,637sqm of employment floorspace. The amount of floorspace proposed exceeds both the existing floorspace on site of 1,541sqm and the industrial capacity of the 0.21ha site, which would be 1,345sqm (based on a 0.65 plot ratio, which assumes floorspace could cover 65% of the site area). Supporting information on the commercial attractiveness and specification of the industrial units has been provided in the form of a letter from the letting agents Colliers International.
7. As noted above, the adopted policy context seeks to retain designated industrial sites in sole industrial use. Full compliance with these policies would require robust evidence to demonstrate that the existing businesses on site are no longer viable in order to allow the release of the site for redevelopment. However, the emerging policy context, specifically draft new Local Plan Policies E4 and E7 and Brent's proposed site allocation BNSA3, seeks the reprovision of an equivalent or greater amount of industrial floorspace and allows for mixed use development incorporating other uses.
8. The proposal would increase the amount of employment floorspace provided by 6% compared to the existing floorspace and by 22% in comparison to the industrial capacity. The provision of new floorspace designed to meet the requirements of a range of industrial users would provide new opportunities for economic growth and job creation in the local area, and would comply with emerging policies.
9. Draft Policy BE2 seeks 10% of employment floorspace to be affordable workspace in redevelopment of LSIS sites. However, provision of affordable workspace needs to be balanced against other planning

benefits of the scheme, and inclusion of affordable workspace would further impact on viability. Complying with this emerging policy requirement would reduce the amount of affordable housing that could be delivered (this issue is discussed in more detail below).

10. Conditions are recommended, to secure the employment floorspace for B1(c) uses, and to secure a meanwhile use strategy if an extended period of vacancy occurs immediately after completion.

Residential use

11. The proposal would provide 40 new residential units, to contribute towards the Borough's housing targets. The introduction of residential use on the site is supported by the emerging policy context and is considered acceptable in principle, subject to other detailed planning considerations and conditions as required.

Conclusion

12. The proposal has been assessed against both adopted and emerging policies. As emerging policy documents, the draft London Plan and draft Local Plan are material considerations that carry weight in the determination of this application as they progress due to their advanced stage of preparation. In particular the draft London Plan is expected to be adopted in the near future, and carries substantial weight.
13. The proposal responds well to the emerging policy context and is considered to be acceptable in principle.

Affordable housing and housing mix

Policy background

14. Brent's adopted local Policies CP2 and DMP15 set out the requirements for major applications in respect of affordable housing provision, and stipulate 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 policy also allows for a reduction in affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). It does not require all schemes to deliver 50% Affordable Housing. This is an important distinction.
15. 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.
16. The emerging London Plan (Intend to Publish Version) affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and that the following split of affordable housing provision 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 products; 40% to be determined by the borough based on identified need.
17. Brent's emerging Local Plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (emerging Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. Brent draft Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.
18. Brent's draft Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted Policy DMP15 would carry considerably more weight than the emerging policy at present.

19. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the Inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage. The policy requirements can be summarised as follows:

Policy context	Status	% Affordable Housing required	Tenure split		
			70% Affordable Rent (to 80% Market)	30% Intermediate	
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (to 80% Market)	30% Intermediate	
Emerging London Plan	Greater weight	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough
Emerging Local Plan	Limited weight	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	

Viability and affordable housing provision

20. The application proposes seven shared ownership units (one 1bed, four 2bed and two 3bed), representing 17.5% affordable housing by unit or 19% by habitable room. This does not comply with Brent's 50% target or preferred tenure mix, and a Financial Viability Appraisal (FVA) has been submitted in support of the proposal. This demonstrates that the scheme could not viably support the provision of the proposed seven shared ownership units, as the Benchmark Land Value of £3.415m significantly exceeds the residual land value and would result in a deficit of £2,084,961. It notes that the applicant is willing to accept a sub-market return in this case, in recognition of the importance of providing affordable housing.
21. The FVA has been robustly reviewed by independent consultants on behalf of the Council, and this review concludes that the scheme would deliver a smaller deficit of £579,195. The review adopts a lower figure for landowner's premium, a lower Benchmark Land Value of £2.411m, lower values for the private residential element and lower profit levels for commercial and private residential elements of the scheme.
22. The review of the FVA has also included sensitivity analysis to assess three alternative scenarios. Firstly, the impact of removing the basement floor was assessed. This did not significantly alter the viability of the scheme, as the use of the basement as lettable commercial floorspace would generate income that would largely outweigh the construction costs involved. Secondly, the scope for providing affordable housing with a policy compliant tenure split was assessed, however due to the lower values associated with low-cost rent products, this was considered to increase the scheme deficit and would provide only three affordable rented units in place of the seven shared ownership units. Finally, the scope for providing a financial contribution to off-site affordable housing instead of on-site shared ownership units was assessed, and this demonstrated that a wholly private residential element would still leave the scheme in deficit such that no financial contribution would be available.
23. Your officers acknowledge that there is a strong policy preference for providing affordable rented units within the scheme in order to best meet local needs. The inclusion of such units has been discussed with the applicant, however they would need independent access through their own front door or through a separate core in order to be attractive to a Registered Provider (RP). For units accessed through a shared core, the inclusion of private sector service charges would make it difficult to offer the units at genuinely affordable rent levels and would render them unaffordable for the RP to run. Given the need to reprovide employment floorspace, it would not be possible to provide units at ground floor level with their own front door. As the residential accommodation would be organised around one central core it would not be possible to provide access via a separate core. Alternatively, a whole floor of units could be provided as affordable rented units, with a secure lift system to separate them from the private units, however this would not be feasible in this case as there would be a minimum of six units per floor which

would not be viable to provide as wholly affordable rented.

24. It is noted that the plans were amended following the submission and review of the Financial Viability Appraisal, but that the number and mix of residential units and affordable housing offer remains unchanged. Whilst the amendments would reduce both construction costs and income slightly, your officers are of the opinion that overall the reduction in residential floorspace would further reduce the viability of the scheme. As such, given that both parties agree that the scheme would be in deficit with the proposed affordable housing offer, a more detailed analysis of the impact of amending the plans is not considered necessary in this instance.
25. The proposal to provide seven shared ownership units as part of the scheme has been demonstrated to exceed the maximum reasonable amount of affordable housing that could be delivered as part of the scheme, and the application is compliant with Policy DMP15 in this respect. Although the proposed tenure split does not comply with Policy DMP15, in this case it is considered that a policy-compliant tenure mix could not be delivered due to viability considerations and the design of the building. The application is recommended for approval on this basis, subject to securing a viability review mechanism through the s106 agreement to capture an additional contribution to affordable housing should the viability of the scheme improve.

Housing mix

26. The housing mix proposed is 14 x 1bed, 18 x 2bed and 8 x 3bed (20%). Whilst this does not comply with the 25% target for family-sized dwellings within the borough set out in Policy CP2, draft Local Plan Policy BH6 also carries some weight and allows for exceptions to the 25% target.
27. In this context it is considered that providing a greater number of family sized units would further compromise the viability of the scheme and hence the delivery of affordable housing.
28. The provision of 20% family sized units is considered to provide an appropriate balance between these policy objectives. Your officers consider that the proposed housing mix should be accepted on this basis.

Design, scale and appearance

Policy background

29. Policy DMP1 requires the scale, type and design of development to complement the locality, and the Brent Design Guide SPD1 provides further advice on general design principles. Draft London Plan Policy D6 proposes a design-led approach to density and optimising the development potential of sites, and Brent's proposed site allocation BNSA3 seeks building heights of six stories stepping down towards adjacent residential properties, with designs that facilitate successful co-location and provide active ground floor frontages.

Height, scale and mass

30. The surrounding area is of mixed character, featuring two storey semi-detached residential properties to the west and buildings in various commercial, residential and community uses to the east and south which, although large in scale are generally of modest heights of up to three stories. To the north, ground levels rise across the railway embankment and railway line and, together with the associated overhead railway infrastructure, this creates a visual buffer between Lowther Road and the more suburban residential areas further north.
31. The proposed building would be largely six stories in height, approx. 19.5m above ground level, but would step down to four and then two stories towards the boundary with the residential properties to the west. Whilst this would be taller than the surrounding buildings, the reduction in height towards the west would create an appropriate transition into the existing two-storey residential area. Both the overall height and the stepping down would reflect the design principles set out in the proposed site allocation. The lift overrun and stairwell at seventh floor level would be of a minimal footprint and not easily visible within the streetscene, and the addition of these facilities on top of the main building is common practice.
32. The raised railway embankment to the rear would provide a suitable backdrop for a building of this height, and would sufficiently mitigate any visual impact on neighbouring residential areas. Given that the remainder of the surrounding area is allocated for redevelopment in a similar manner, it is expected that

buildings of similar heights could come forward on other sites in due course and the proposed building would therefore be in keeping with the emerging street scene. Buildings of similar heights have been granted permission in the surrounding area recently, including a partly seven-storey building on the car park northeast of Morrisons (ref 18/2183) and a five-storey self-storage warehouse at 20 Cumberland Road (ref 19/2837).

33. The overall plan form would be essentially square, reflecting the shape of the site, but would be progressively set in from the western side on the front element of the building and to a greater degree on the rear element, creating a staggered L-shape profile that assists in reducing the impression of bulk.

Layout and relationship with street

34. The layout would include basement and ground floors in commercial use, which would provide an active frontage to Lowther Road, with large window openings and entrances to both commercial units addressing the street. The entrance to the residential units would also be accessed from the street, and positioned centrally in the building to provide legibility and a sense of arrival for the residential use, with the two commercial frontages providing balance and symmetry to create a harmonious composition.
35. The building would be set in from the eastern side boundary by approx. 8.5m and from the splayed western side boundary by 6m to 18m approx. It would be set in from the front site boundary with the street by 6m approx. but built up to the rear site boundary.
36. The basement level commercial space would be lit by a series of lightwells within the units, and by a row of external rooflights set into the ground towards the rear of the site on the eastern side of the building, which would also define the extent of a gated external courtyard for the use of workspace users and providing access to cycle and bin storage for the units. The remaining space on the eastern side of the building would provide a soft landscaping buffer to the adjoining site, together with parking and servicing provision towards the front of the site.
37. The western side of the building would have a more extensive area of open space, reflecting the splayed boundary and the generous set back of the adjoining residential properties. This area would provide ground level amenity space for residents and a secondary entrance route to the residential units, allowing direct access to residential cycle storage and bin storage.
38. The site includes a 7m approx. deep frontage to the existing buildings including 2m approx of adopted footway, and the proposed building would be set back by 6m from the front site boundary and road edge. This area currently accommodates areas of footway interspersed with vehicle crossovers, and substantial amounts of hard surfacing used for parking cars associated with the businesses on site. The existing footway is in poor repair following the longstanding use of the site for car repair businesses. Whilst the proposed building would project 1m forward of the existing building line, it would allow a generous amount of space, to a 6m depth across most of the frontage, to provide an improved footway together with a loading bay, soft landscaping and street trees. This would significantly enhance the street scene in comparison to the poor quality of the existing site conditions, and would be an additional planning benefit of the scheme. This issue is discussed further under 'Transport considerations' below.

Architectural approach and detailing

39. The proposed building would be brick framed to reflect the prevailing character of the area, with balconies and terraces recessed within the frame of the building to create an elegant and uncluttered building line. The vertical brick piers would be the predominant architectural feature, giving a strong sense of verticality to reduce the visual impact of bulk and mass. Horizontal features such as sills and lintels would be smaller in scale and slightly recessed to create a human scale, whilst secondary vertical impacts within the recessed balconies would further articulate the facades and create additional visual interest.
40. The architectural palette of complementary natural materials, textures and colours within a red brick frame would create a high quality appearance to enhance the visual amenity of the street scene. Further details of materials and landscaping would be required by condition.

Residential living standards

41. All development is required to comply with standards set out in Policy D6 of the draft London Plan. Balconies should have a minimum width and depth of 1.5m to be considered usable, and single aspect

units should be avoided, particularly if north-facing. Policy D7 of the draft London Plan also requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.

42. Compliance with Brent Policy DMP19 and emerging Policy BH7, which requires private amenity space of a sufficient size and type to satisfy residents' needs is also required. It is specified that this is normally expected to be 20sqm per flat and 50sqm for family housing including ground floor flats. This can include a mixture of private balconies and communal amenity space. Shortfalls against these standards are assessed by individual unit, with the cumulative shortfall assessed against the provision of communal amenity space. Draft London Plan Policy S4 also requires play and recreation facilities to be provided based on the expected child yield.

Internal layout

43. All of the units would meet or exceed the minimum internal space standards, with efficient and convenient internal layouts.
44. The number of single aspect units has been minimised, and these would comprise 19 of the 40 units, or slightly less than half the total. These would all be 1bed or 2bed units, and none would be north-facing. Given the constraints of the site, your officers consider that the number of single aspect units is acceptable in this instance.
45. Four of the units are very generously sized and indicated as being wheelchair accessible to M4(3) standards. Further details of compliance with M4(2) and M4(3) would be required by condition.

External amenity space

46. The proposal has been assessed against the standards set out in Policy DMP19 and emerging Policy BH13 as follows. No family-sized homes are proposed at ground floor level and therefore the policy standard of 20sqm per unit would apply to all units.
47. All units would have at least 5sqm of private balcony space, with the larger units having balcony space ranging from 7sqm to 13sqm. In terms of compliance with adopted and emerging policy, the individual shortfalls against the 20sqm standard have been calculated and added together to result in a cumulative shortfall of 480sqm.
48. The proposal also includes a roof terrace of 300sqm, located towards the eastern side of the building so as to avoid disturbance to residents of the residential properties to the west, and a ground floor garden area providing doorstep play, of 284sqm. These spaces would be equally accessible to all units and would provide communal amenity space of 584sqm in total. The ground floor garden would face onto the pavement, however the front boundary treatment consisting of a low brick wall with railings above would clearly define it as private space for the use of residents.
49. The communal amenity space provided exceeds the shortfall in private amenity space. Consequently the proposal is considered to comply with the amenity space standards set out in Policy DMP19 and emerging Policy BH13.
50. The proposal includes doorstep play space of 284sqm at ground floor level on the western side of the building. The London Plan requirement for doorstep play, based on the estimated child yield for the housing mix and tenure mix proposed, would be 92sqm. The doorstep play would therefore exceed the policy requirements.

Conclusion

51. Overall, the residential accommodation proposed is considered to be of high quality and to comply with the relevant policies. Furthermore, the provision of amenity space is considered to be very good in terms of the amount and type of space proposed, and fully compliant with the relevant policies. Further details of hard and soft landscaping proposals for the ground floor amenity space and roof terrace would be required by condition.

Impact on neighbouring properties

Policy background

52. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The building should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing rear garden boundaries. Separation distances of 18m to windows and 9m to rear boundaries should be maintained. The 1:2 rule should be applied in respect of extending to the rear of adjacent dwellings (the rear building line should not project further to the rear than half the distance between the proposed flank wall and the centre point of the nearest existing rear habitable room window).
53. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.
54. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
55. However, the BRE also recognise that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF 2019 also supports a flexible approach to applying standards in order to make efficient use of sites. Furthermore, recent appeal decisions suggest that 15% VSC can be acceptable within dense urban contexts.

Separation distances and privacy

56. The site boundary with Nos 60 & 61 Lowther Road is splayed, with the site becoming progressively narrower to the rear. The main part of the building would retain at least 9m separation distance to this boundary, although a small part of the building at the rear of the site would be at a reduced distance. However, the rear garden to this property is unusually large, the additional area provided by the splayed boundary creating a triangle towards the rear. The far rear corner would be the least private area of the garden, and the boundary would retain dense tree coverage to further protect the privacy of existing residents.
57. The ground floor of the building would be in commercial use that would not generate extensive overlooking, due to the existing boundary wall and tree line on the neighbour's boundary. On the first floor there would only be one secondary bedroom window and balcony facing onto the boundary with Nos 60 & 61 Lowther Road at approx 7.5m from the boundary. However both the bedroom and the balcony would have outlook onto the rear of the site. This window and balcony would be obscured by condition in order to prevent any overlooking concerns. The upper floors would be set in further from this boundary to provide more extensive separation distances, meeting 9m separation distance to the boundary with Nos 60 & 61 Lowther Road.
58. The site boundary with Freetrade House includes a shared right of way to allow servicing for both sites. The proposed building would be set in by 9m from this side boundary at ground and first floors and by 11m on the upper floors. This would allow for the adjoining site to come forward for redevelopment in a similar manner, with side-facing windows at 9m distance to the boundary to allow for adequate privacy for residents of both sites.
59. Your officers acknowledge that the nearest side-facing windows on Freetrade House are approx. 5.6m from the boundary, which does not comply with privacy standards as it only allows a 14.6m window-to-window distance. The planning history for Freetrade House includes a prior approval being granted in 2014 to convert part of the building into 14 flats (LPA Ref: 14/0471). However, a subsequent enforcement notice was served in relation to the unauthorised material change of use from offices to 24 flats (E/18/0642). The enforcement notice is currently being appealed.
60. In the event that the enforcement appeal is allowed and planning permission is granted for the 24 flats, the positioning of the windows in Freetrade House would be slightly offset from the bedroom windows in the three facing flats in the proposed building. This oblique relationship would limit the scope for overlooking between the two sites, and on balance, given the high density urban context of both sites, it is

considered that the level of privacy afforded would be acceptable in this instance (in the event that the outcome of the appeal allows the flats to be retained).

Light and outlook

61. The building line would not breach a 45 degree line from the private external amenity space at Nos 60 & 61 Lowther Road.
62. The Daylight and Sunlight Report submitted covers adjoining residential properties at No 1 Lowther Road and Nos 58 & 59, 60 & 61 Lowther Road (two pairs of two-storey maisonettes).
63. The results of the Daylight and Sunlight Report are assessed in relation to each of the neighbouring properties as follows:
64. - *1 Lowther Road (Freetrade House)*: As discussed above, an enforcement notice has been served in relation to 24 flats within Freetrade House, and is currently at appeal. The following assessment has taken the most sensitive scenario, i.e. in the event that the appeal is allowed and the flats retained.
65. The Report tests a total of 66 windows which are assumed to serve 15 rooms. Of these, 24 windows would fall below the recommended values for VSC, being less than 27% and less than 0.8 times their former value. The largest shortfall from the BRE guidance is a loss of 46.23% reduction from its former value with the value being reduced from 36.9% to 19.84%, which is considered acceptable for an urban context. Daylight distribution reduction also exceeds 0.8 times its former value for 3 rooms with the highest reduction of 38.05% its former value. NSL is also below BRE guidelines for two rooms with a reduction of up to 29.8%.
66. In terms of sunlight, all of the windows tested would comply with the BRE targets for APSH.
67. - *60 & 61 Lowther Road*: This two-storey property consists of a pair of single-storey maisonettes, located to the northwest of the application site. Of the twelve windows assessed, eleven would comply with BRE target values for VSC and all four rooms would comply with the NSL target values. The one window failing on VSC is a small tertiary window to a kitchen also served by two other windows. The mean VSC across the three windows would comply with the guidelines, being 0.88 times its former value. On the officer's site visit, it was confirmed that the side-facing windows at Nos 60 & 61 serve bathrooms and a hallway, which are not considered as habitable rooms to which the loss of light would be a material consideration.
68. Three of the four windows tested for APSH would comply with the guidelines, whilst the fourth would comply in terms of annual APSH although failing in terms of winter APSH.
69. - *58 & 59 Lowther Road*: This two-storey property consists of a pair of single-storey maisonettes, attached to the pair at 60 & 61 to the northwest and not directly adjacent to the application site. All windows and rooms assessed would fully comply with BRE guidelines for VSC, NSL and APSH, and would be only minimally affected by the proposed building.

Conclusion

70. Overall, given that the site is located within an urban area and located within a site allocation, it is considered that the reduction levels set out above are acceptable for the site context. The NPPF sets out an expectation that a flexible approach should be taken with regards to daylight and sunlight to ensure that developments make efficient use of land in sustainable locations. The benefits of the scheme, including new homes and commercial floorspace, outweigh the limited harm to neighbouring occupiers.

Environmental health considerations

Noise and vibration

71. Draft new London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. This 'agent of change' principle is an important material consideration in ensuring the success of developments where industrial and residential uses are co-located.
72. An Acoustic Report has been submitted, which assesses the impact of nearby noise sources, including

adjacent office and residential premises, road traffic, a builders yard and DIY centre opposite and the tube station and overground lines to the rear. The Report concludes that the site is relatively quiet for an urban area and that sound reduction measures should be easily achievable, and suggests rating level criteria for plant noise.

73. Environmental Health officers have reviewed the report and accept its findings, subject to two conditions to secure an assessment of plant noise and any mitigation measures required, and to ensure adequate standards of sound insulation for residential premises.

Air quality

74. The Air Quality Assessment submitted considers construction phase and operational impacts (the latter from road traffic) and reviews potential emissions against the air quality neutral requirements of the London Plan. It concludes that pollution levels would be below the relevant air quality standards.
75. Environmental health officers have reviewed the assessment and accept its findings. No conditions relating to air quality are required.

Contaminated land

76. A Stage 1 desk investigation was submitted, as the existing and previous uses on site may have resulted in ground contamination. This did not find evidence of sufficient levels of contamination to present risks to future users, but recommended further soil sampling following demolition to confirm.
77. Environmental health officers have requested further testing following demolition of the existing building, and any necessary remediation measures. These would be secured by condition.

Construction management

78. Environmental Health officers have requested a Construction Method Statement as a pre-commencement condition to ensure dust and other nuisance impacts of the construction process are suitably controlled, and this would be secured by condition.

Energy and sustainability

Policy background

79. London Plan Policy 5.2 sets out carbon reduction targets of 100% for residential developments (including at least 35% achieved on site and supplemented by a financial contribution to off-site carbon offsetting measures) and 35% reduction for commercial developments. An Energy Assessment is required, demonstrating how the development would meet these standards in accordance with the energy hierarchy (Be lean: use less energy; Be clean: supply energy efficiently; Be green: use renewable energy). Brent's Policy CP19 also requires a sustainability statement and, for major commercial floorspace, a BREEAM Excellent rating.

Assessment

80. The applicant's Sustainability and Energy Statement proposes measures such as passive solar gain, natural daylighting, efficient building fabric and thermal bridging to reduce energy demand. Furthermore, a communal heating network based on air source heat pumps is proposed for the residential units. Carbon dioxide emissions would be reduced by 38.4% over the Building Regulations 2013 baseline (split between a 46.1% reduction for the residential elements and a 13.4% reduction for the commercial elements), with the resultant financial contribution calculated as £61,198. A BREEAM pre-assessment has been included, showing an Excellent rating to comply with Policy CP19.
81. An overheating assessment is included, with the most vulnerable units being at medium risk of overheating. Whilst these would be single aspect units, they would all have inset balconies that would provide additional shading.
82. Measures to limit water usage to 105 litres per person per day are also included, including the use of water-efficient devices and water meters. The BRE Green Guide to Specification has been reviewed and materials with lower environmental impacts would be specified, using local materials and suppliers where possible.

Conclusion

83. The Sustainability and Energy Statement demonstrates that London Plan and CP19 policy requirements would be met in terms of carbon emissions reductions and BREEAM Excellent rating. Compliance with these requirements at detailed design and construction stages would be secured through the s106 agreement.
84. Other measures are also proposed to enhance the sustainability of the development, and these are welcomed.

Flood risk and drainage

85. London Plan Policy 5.13 and Brent Policy DMP9B require sustainable drainage measures to be implemented as part of major developments.
86. A Flood Risk Assessment has been submitted. The site is at low risk of flooding (Flood Zone 1) according to the Environment Agency's mapping for fluvial flooding, but is within Flood Zone 3a for surface water flood risk. The drainage strategy assesses different options in accordance with the drainage hierarchy set out in Policy 5.13, however due to the clay soil infiltration is considered unlikely to be feasible, and there is very limited space within the site for soakaways and infiltration blankets. Routing to a watercourse has been discounted as there are no watercourses nearby, and surface water would be routed to the nearby public storm water sewer.
87. The Local Lead Flood Authority have been consulted and have welcomed the significant reduction in discharge rates proposed, which would have a positive impact on the overall capacity of the sewer system. The implementation of an attenuation tank to reduce the discharge is considered to be acceptable. The use of blue or green roofs is also recommended to enhance the green infrastructure on site, which would provide additional attenuation, amenity, biodiversity, and overall reduction in carbon outputs. The applicant has agreed to the provision of green roofs, and further details would be required as part of the landscaping condition.

Trees and biodiversity

88. The adjacent railway line embankments are part of a Site of Importance for Nature Conservation (SINC, Borough Importance Grade 1) and of a designated wildlife corridor protected by Brent's Policy DMP8, and contain a number of trees. There are no trees on site, or any areas of soft landscaping.
89. The Ecological Appraisal concludes there is no significant ecological interest on site, but makes recommendations for the construction phase to avoid disturbing important habitats, in addition to use of native species with wildlife value for new landscape planting, limiting light spillage onto the northern boundary, and providing bird, bat and insect boxes.
90. The Tree Officer has reviewed the Ecological Appraisal, together with photographs and aerial photographs of the site, and considers that the development would be unlikely to impact on any trees growing in the railway embankment as they are generally rooted at higher ground levels and too far away to be affected by the development. There are no protected trees or trees of note within the vicinity and no existing trees within the site boundary. All trees that could be affected are within the ownership of London Underground and would generally be replaced if they were lost as a result of the development. Any concerns regarding these trees could be resolved with London Underground prior to construction works commencing.
91. Any loss of trees would be mitigated by the tree planting and soft landscaping proposed. A contribution of £8,000 towards street tree planting would be secured through the s106 agreement, and the proposal documents indicate that some small trees would be provided as part of the on-site landscaping scheme to be secured by condition. Although an exact number of new trees has not been agreed with the applicant, the proposal would represent a significant improvement on the existing site conditions, and this is considered to be an additional planning benefit of the scheme.
92. There are no objections in relation to trees and biodiversity, subject to compliance with the recommendations of the Ecological Appraisal, which would be secured through the plans condition. An informative is recommended, to notify London Underground of any tree roots found beneath the existing hardstanding, as the removal of these roots could affect the stability of trees on the railway embankment.

Transport considerations

93. Lowther Road is an adopted highway up to the borough boundary, which is effectively the northwestern edge of the proposed site. Vehicles would therefore need to be able to turn around without accessing the private road beyond the boundary. A Controlled Parking Zone (CPZ) scheme was recently implemented on the eastern side of Cumberland Road, leaving Lowther Road as the only road in Brent within the vicinity not to be included within a CPZ. The PTAL rating is 3 (moderate).
94. The maximum parking allowance for the existing site based upon a floor area of 1,000sqm would be five spaces. The proposed development would have a maximum allowance of 44 car parking spaces for the residential use and a further eight spaces for the commercial use. The proposal would provide only one disabled parking space on site, which meets the minimum disabled parking requirements from the outset. This level of overall car parking can be supported on the basis that a CPZ is likely to be implemented in Lowther Road in the near future. A financial contribution towards implementation of the CPZ would be sought through the s106 agreement, and residents would be subject to permit parking restrictions, also secured through the s106, to prevent them from obtaining on-street parking permits.
95. The minimum long term residential cycle parking requirements would be 66 spaces based on the current London Plan and 73 spaces based on the draft London Plan standards. A total of 74 spaces are proposed to be located in a cycle store, by way of two tier stands. This complies with draft London Plan standards and the cycle store meets the minimum requirements of 450mm spacings between the stands and a minimum of a 2m wide aisle. Cycle parking is also provided for the commercial element with seven two tier stands providing capacity for 14 cycles. This would be an acceptable arrangement.
96. In terms of bin storage, the minimum residential capacity requirement of the development is 8,800L. The plans indicate that nine x 1,100L EuroBins would be provided. This would meet the minimum requirements and would also provide capacity for a food waste bin. The proposed bin store would be approx. 25m from the highway, which exceeds the Council's carrying distances. To resolve this issue, a temporary bin storage area would be provided within 10m of the highway.
97. With regards to servicing for the commercial units, a loading bay would be provided on the southeastern side of the application site within an access shared by the owners of FreeTrade House. The Transport Statement includes tracking diagrams which demonstrate that commercial vehicles associated with the application site could access and egress the loading area without prejudicing the ability of the neighbouring site to access their loading area. Servicing for the commercial units would be provided via a servicing bay within the site on the southeast boundary. Tracking diagrams have been provided to demonstrate that service vehicles could turn around and egress Lowther Road in a forward gear without accessing the private road. This would comply with the requirements of Policy DMP13 and has been accepted by transport officers.
98. The proposal is likely to result in a significant amount of construction traffic, and transport officers have requested that a Construction Logistics Plan be submitted, detailing the highway impacts of demolition and construction. This should include construction vehicle numbers, areas where construction vehicles would park, details of how construction vehicles would access the loading area and any changes to the adopted highway layout and operation required.

Conclusion

99. Subject to the conditions and obligations above, the proposal is considered to be acceptable in transport terms.

Equalities

100. 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

101. 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.

102. Whilst the level of affordable housing provision is low and the tenure mix does not reflect Brent's priority need for affordable rented units, it is significantly beyond the maximum reasonable amount that the scheme could viably provide and a viability review mechanism would secure further contributions to affordable housing if viability improves. As such, the conflict with Policy DMP15 is limited and would be outweighed by the wider benefits of redeveloping the site including re-provision of industrial floorspace in accordance with the proposed site allocation.

CIL DETAILS

This application is liable to pay **£1,148,423.00** * 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): 1581 sq. m.

Total amount of floorspace on completion (G): 5770 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	1637	0	1188.46	£0.00	£0.00	£0.00	£0.00
(Brent) Dwelling houses	4133	0	3000.54	£200.00	£0.00	£894,804.99	£0.00
(Mayoral) Businesses and light industry	1637	0	1188.46	£0.00	£60.00	£0.00	£71,953.67
(Mayoral) Dwelling houses	4133		3000.54	£0.00	£60.00	£0.00	£181,664.34

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	
TOTAL CHARGEABLE AMOUNT	£894,804.99	£253,618.01

*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: 19/4444

To: Mr Cifaldi
Savills
33 Margaret Street
London
W1G 0JD

I refer to your application dated **18/12/2019** proposing the following:

Demolition of existing buildings and redevelopment of the site to provide a part -2, part-4 and part-6 storey plus basement development comprising self-contained residential units (use class C3) and commercial floor space (Use class B1c) together with associated private and communal space, car parking and cycle storage and public realm improvements (amended description) subject to Deed of Agreement dated xx xx 2020 under Section 106 of the Town and Country Planning Act 1990.

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

at **Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP**

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: 13/07/2020

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):

A_PL_010_REV.00
A_PL_011_REV.00
A_PL_020_REV.01
A_PL_050_REV.00
A_PL_090_REV.00
A_PL_099_REV.01
A_PL_100_REV.01
A_PL_101_REV.01
A_PL_102_REV.01
A_PL_103_REV.01
A_PL_104_REV.01
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A_PL_350_REV.01

Acoustic Report, Sharps Redmore, 11 December 2019, ref 19191666

Air Quality Assessment, Redmore Environmental, 4 December 2019, ref 3137r1

Basement Impact Assessment, MJM Consulting Engineers, December 2019, ref 7532/BIA
Issue 2

Daylight and Sunlight Report, Point 2 Surveyors Ltd, April 2020, Ref P1994 REL6 D1

Design & Access Statement, Apt, 13 December 2019, ref 18036

Ecological Appraisal, Ecology Solutions, December 2019, ref 8621.EcoApp.vf3

Financial Viability Assessment, Montagu Evans, 16 December 2019

Flood Risk Assessment, GTA Civils & Transport, December 2019, ref 10284
 Letter, Colliers International, 10 December 2019, ref Lowther Road Stanmore
 Phase I & II Geo-Environmental Assessment, EPS, 3 December 2019, ref UK19.4720 Issue 2
 Planning Statement, Savills, December 2019
 Statement of Community Involvement, Your Shout, December 2019
 Sustainability and Energy Statement, Blue Sky Limited, 2 December 2019
 Transport Statement, GTA Civils, December 2019, ref 10284

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

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

Reason: To ensure 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 non-residential floorspace hereby approved shall only be used for Class B1(c) uses and shall at no time be converted to C3 residential use, notwithstanding the provisions of Schedule 2 Part 3 Class PA, of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure the retention of industrial floorspace on the site.

- 5 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 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 7.14.

- 6 The residential car parking space, commercial loading bay, residential and commercial cycle storage and residential and commercial refuse stores shall be provided in full prior to first occupation of the development, shall be used for the parking of vehicles, servicing, and storage of cycles/bins associated with the development and shall not be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority .

Reason: In the interest of highway flow and safety.

- 7 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 8 The window and balcony opening serving unit L1-07 located on the first floor within the northwest façade of the building as altered or extended building must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window and balcony screening which can be opened are more than 1.7 metres above the floor of the room and balcony in which the window and balcony screening are installed;

and shall be permanently maintained in that condition thereafter unless further planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

- 9 The scheme hereby approved shall contain 40 residential units as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 10 Prior to the commencement of the development a Construction Method Statement (CMS) 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 during demolition and construction works. The CMS shall also include a dust monitoring plan. The approved CMS shall thereafter be adhered to through the demolition and construction works.

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: Adverse impacts from the construction process can arise at any time after works commence, and adequate controls need to be in place from this time.

- 11 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved Construction Logistics Plan.

Reason: To ensure construction traffic impacts are effectively managed throughout the construction process.

Reason for pre-commencement condition: Construction traffic impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 12 Prior to commencement of construction works, a RIBA Stage 3 Fire Strategy prepared by a suitably qualified third party consultant shall be submitted to and approved by the Council. The development shall be carried out in accordance with the approved Fire Strategy and retained thereafter. The requirements of the Fire Strategy shall be in compliance with Policy D12 of the draft London Plan (intend to publish version) and Part B of the Building Regulations.

Reason: To ensure that the risk of fire is appropriately addressed in the proposed development, in accordance with the Intend to Publish London Plan Policy D12.

- 13 Following the demolition of the buildings and prior to the commencement of building works:

- a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance.
- a report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.
- the written report shall be approved in writing by the Local Planning Authority.

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

- 14 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 15 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) details of materials for all external surfaces of the building including samples which shall be made available for viewing on site or in another location as agreed;
- (b) details of any external plant, including locations, external appearance and any proposed screening;
- (c) details of screening to be installed between adjoining balconies and terraces;

The work shall be carried out in accordance with the approved details.

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

- 16 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), further details of how the development will be constructed so that 90% of the residential units will comply with Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% will comply with M4(3) 'wheelchair accessible homes' standards, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision of accessible homes, in accordance with the Mayor's Housing SPG 2015.

- 17 Within six months of development commencing, further details of soft and hard landscaping shall be submitted to and approved in writing by the local planning authority:

- (a) hard surfacing, any external furniture and any play equipment, entrance gates, boundary treatments throughout the site but excluding land within the ownership of the highway authority, including samples which shall be made available for viewing on site or in another location as agreed,
- (b) details of soft landscaping (including species, location and densities) together with design of tree pits for any trees to be provided;
- (c) details of bird boxes to be installed throughout the development;
- (d) details of green roofs to be installed throughout the development;
- (e) details of any external CCTV;
- (g) details of proposed external lighting design to ensure that all external areas are adequately lit in hours of darkness, including a light spillage plan;
- (h) arrangements for maintenance of trees and other planted species.

The hard and soft landscape works shall be carried out in full accordance with the as approved details prior to the first occupation or use of the building hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development, to

ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development, to aid the sustainable drainage of the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 18 Within six months of commencement of development, detailed drawings showing the photovoltaic panel arrays on the roof of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy 5.2.

- 19 Prior to first occupation or use of the development:

- Any soil contamination remediation measures required by the Local Planning Authority under Condition 12 above shall be carried out in full.
- A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).
- The verification report shall be approved in writing by the Local Planning Authority.

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

- 20 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.

Prior to first occupation or use of the development, an assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound' and shall be submitted to and approved in writing by the Local Planning Authority, together with any mitigation measures necessary to achieve the above required noise levels.

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

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 21 All residential premises shall be designed in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

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

Prior to first occupation or use of the development, a test shall be carried out to demonstrate that the required noise levels have been met, and the results for a sample of units on all floors across both front and rear elevations shall be submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 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
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant: scaffolding; security; boundary treatment; safety barriers; landscaping and lighting. London Underground requires consultation and agreement to detailed design and method statements for each stage of the development including demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The design and method statements should:

- provide details on all structures
- provide details on the use of tall plant/scaffolding
- demonstrate that the development will accommodate the location of the existing London Underground structures
- demonstrate that access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land
- demonstrate that there will at no time be any potential security risk to London Underground's railway, property or structures
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development should be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this informative should be completed, in their entirety, before any part of the building hereby permitted is occupied.

London Underground should also be notified of any tree roots found during demolition and construction work, as their removal may cause the instability of trees on the railway embankment.

- 5 The proposed development is located within 15 metres of Thames Water underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide on working near our assets (at <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>) to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 6 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.

- 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 London Underground have advised against locating openable windows and balconies in close proximity to the boundary with the railway embankment, as this could compromise the operational safety of the railway. London Underground require the developer to demonstrate that the development will pose no risk to the railway, and advises that the developer would be liable should such an incident occur.
- 9 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.
- 10 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 11 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site boundaries.
- 12 The applicant is advised that London Underground should be notified of any tree roots found during removal of the existing hardstanding and further excavation on site, as their removal could affect the stability of trees within London Underground land.
- 13 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

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

Saturday - permitted between 08:00 to 13:00

At no time on Sundays or Bank Holidays

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

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