

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

26 November, 2020
07
18/4777

SITE INFORMATION

RECEIVED	17 December, 2018
WARD	Dollis Hill
PLANNING AREA	
LOCATION	All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London
PROPOSAL	Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 22 x 1 bed, 18 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_143141</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 "18/4777" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

INTRODUCTION

Background

The application was presented to committee on the 16 July 2019 where members resolved to grant subject to the outlined conditions and completion of a S106 agreement. However, the developer has not signed the Section 106 Legal agreement yet and has put forward an alternative Affordable Housing proposal which maintains the number of Affordable Homes, but proposes a different form of Affordable Housing from that anticipated when considered originally. This is discussed in greater detail below.

With the exception of affordable housing, all elements of the development as presented to the committee in July 2019 remain the same. This report header seeks to clarify the position in relation to the affordable housing offer only.

The remainder of the report reflects the 2019 committee agenda aside from minor changes to capture the supplementary report that accompanied that item.

Policy

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

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

Key policies include:

London Plan 2016

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

Brent Core Strategy 2010

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

Brent Development Management Policies 2016

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

In addition, since the resolution to grant, 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 an "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

Key relevant policies include:

Draft New London Plan

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city
GG4	Delivering the homes Londoners need
GG5	Growing a good economy
GG6	Increasing efficiency and resilience
D1	London's form, character and capacity for growth
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D8	Public realm
D12	Fire safety
D13	Agent of Change
D14	Noise
H1	Increasing housing supply
H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
S4	Play and informal recreation
G5	Urban greening
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI5	Water infrastructure
SI13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T4	Assessing and mitigating transport impacts
T5	Cycling
T6.1	Residential parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning

Draft Local Plan

DMP1	Development management general policy
BP6	South East
BD1	Leading the way in good urban design
BH1	Increasing housing supply in Brent

BH2	Priority areas for additional housing provision within Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BE1	Economic growth and employment opportunities for all
BGI1	Green and blue infrastructure in Brent
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
BSUI2	Air quality
BSUI4	On-site water management and surface water attenuation
BT1	Sustainable travel choice
BT2	Parking and car free development
BT3	Freight and servicing, provision and protection of freight facilities
BT4	Forming an access on to a road

The following are also relevant material considerations:

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

Affordable housing provision

An independent review of the applicants Financial Viability Appraisal (FVA), prepared by James R Brown (JRB), was undertaken by BNP Paribas on behalf of the Council to advise the maximum level of affordable housing the scheme could viably deliver. This assessment was carried out on the basis that 16 residential units were proposed for affordable housing, representing 34.4% affordable housing measured on a per habitable room basis. The tenure split was broadly policy compliant with 68.7% of the affordable units being designated as affordable rent. The applicants FVA submission contended that the scheme with the current proposal is not financially viable and the 34.4% affordable housing provision proposed represents more than the maximum reasonable amount of affordable housing the scheme can viably deliver. This position was rigorously tested by BNP Paribas.

The following represented the agreed minimum affordable housing position to be secured by a planning obligation within the 106 legal agreement, at the time members resolved to grant planning permission

	Affordable rent	Intermediate
1 bed	3	0
2 bed	4	1
3 bed	4	4
Total	11	5

Following committee, there was a slight amendment to the unit mix with an increase in the affordable rented family units and decrease in intermediate family units. The final proposed mix of units is therefore the below

	Affordable rent	Intermediate
1 bed	4	0

2 bed	2	3
3 bed	5	2
Total	11	5

The agreed position in relation to the affordable rented homes required the 4 x 1 bed and 2 x 2 bedroom units to be capped at no more than 80% of market rents inclusive of service charges and capped at Local Housing Allowances rates. The agreed position in relation to the family housing required the 5 x 3 bedroom homes to be capped at no more than 60% of market rents inclusive of service charge and capped at LHA rates.

Rentplus

The standard s106 wording refers to a number of recognised Registered Providers operating in the borough with whom developers are required to negotiate the disposal of their affordable units. Rentplus are not one of those recognised.

A schedule of interest has been submitted by Rapleys on behalf of the developer, evidencing engagement with recognised Registered Providers in the borough and wider North London. Beyond initial interest, none of those approached agreed to take up the homes, with the reasons given ranging from the scheme being too small, to the A4 use (public house) at ground floor being undesirable particularly given its proximity to the family units.

The Rentplus model is less conventional, providing affordable housing based on a period of between 5 and 20 years, renting at no more than 80% of market rent inclusive of service charges and ground rent and capped at Local Housing Allowance Levels. Rentplus together with the Registered Provider and local authority, allocate prospective tenants into four groups which accord with 5, 10, 15 and 20 year purchase plans. After their given tenancy period the occupier will then be invited to purchase their property at a 10% discounted sale. If they do not wish to purchase, a cascade come into play where the unit is occupied by a substitute qualifying household, or if none offered to a Registered Provider, and in default of all of the above, sold on the open market with 7.5 % of the sale value paid to the Council as a contribution towards the delivery of Affordable homes in the borough. The Rentplus model works on the basis of 25% of the properties being sold every 5 years. As there are 16 units within the scheme, 4 of these are proposed to be on 5 year purchase plans, 4 on 10 year purchase plans, 4 on 15 year plans and 4 on 20 years plans. The RentPlus homes would be owned by RentPlus but let by a Registered Provided.

There are several key differences between the agreed affordable housing offer and the proposed.

Firstly, there would be no shared ownership homes under the Rentplus model, with all units starting off as Affordable Rented homes.

Another key difference is the rent level that some of the homes are capped at. The affordable housing offer previously considered by the Planning Committee set the maximum percentage of market rent dependent on their size. The five 3-bedroom homes previously were proposed to be rented at a maximum of 60% of market rent (inclusive of service charge and ground rent) and capped at LHA levels and the other homes were to be capped at 80 % of market rent and LHA levels. Under the Rentplus proposal, all homes are to be offered at 80% of market rent or Local Housing Allowance (LHA) levels whichever is lower, and the cap for the five 3-bedroom homes would therefore be now set at up to 80 % of market rent but still capped at LHA levels.

The final key difference is the provisions for the potential sale of the homes. Affordable Rented homes that are delivered through a Registered Provider may be sold. However, under RentPlus, the period at which they will be offered to the tenants to purchase ranges between 5 and 20 years. The 'traditional' form of Affordable Rented housing may also be purchased as these homes are subject to Right to Acquire. This can take place once a tenant has had a public sector landlord for more than 3 years. However, as discussed above, a cascade system is applicable to RentPlus homes where they may be sold on the open market after the period of time if a substitute qualifying household is not available and a Registered Provider does not wish to purchase the property. Where homes are sold on the open market, the Local Authority receives 7.5% of the

sale to invest in future affordable housing.

The revised Affordable Housing proposal would be considered to constitute the provision of all of the Affordable housing as Affordable Rented homes (as defined in the NPPF) and as such, would represent a departure from Policy DMP 15 which specifies that 30 % of the Affordable provision should be Intermediate Housing. However, the over-provision of Affordable Rented Accommodation is considered to outweigh the harm associated with the absence of Intermediate housing. This is in part due to the need for Affordable Rented homes in the borough, but also as the proposed tenure would also represent a route to affordable home ownership. The revised Affordable Housing proposal does not secure the five 3-bedroom homes at 60 % of market rent, instead capping all home at (the lower of) 80 % and LHA levels. However, this is considered to materially accord with adopted policy.

Increasing weight has been given to emerging policy, with the majority of policies within the London Plan (intend to publish version) now given greater weight as the Examination concluded some time ago and the panel of inspectors only citing certain areas of concern. As such, the London Plan policies regarding the provision of 30 % of the homes as London Affordable Rent are now afforded some weight. The proposal would not accord with this element of emerging policy, with no London Affordable Rent homes proposed. The emerging Brent Local Plan (Reg 19 version) has been subject to Examination. However, the inspectors report has not yet been received and as such, the policy requirement for 70 % of the Affordable homes to be provided as London Affordable Rent is only given limited weight at this point in time.

Brent's housing officers have considered the proposal. While they recognise that this product may not be accessible to those on the lower incomes who may be placed in London Affordable Rented accommodation, it would provide another form of Affordable Rented housing and would increase the overall provision of Affordable Rented housing within the scheme. They have expressed their support for the proposed change in the Affordable housing offer.

When comparing the proposed with the previously agreed affordable housing position, the scheme would continue to deliver 34.4% affordable housing, with an uplift of affordable rented units (albeit for a limited period of time) and without any shared ownership product. While it would represent a departure from emerging London Plan policy in that no London Affordable Rented homes are proposed, and a departure from policy DMP15 in that no Intermediate homes are proposed. However, the increase in Affordable Rented accommodation above the previous affordable housing proposal is considered to be positive. On balance, the harm associated with the departures from emerging and adopted policy discussed above are considered to be outweighed by the benefits of the proposal and it is recommend that planning permission is granted for the proposed development subject to the completion of a section 106 legal agreement.

As before, and in line with DMP15, a post-implementation s106 review mechanism would be secured, whereby scheme viability is re-appraised 6 months prior to practical completion (or on sale of 50% of market units), and half of any surplus over the benchmark land value and agreed profit level taken as deferred affordable housing planning obligations in the form of a commuted sum ring-fenced for offsite affordable housing delivery, any such sum capped at a level commensurate with the delivery of 50% affordable housing onsite.

The remainder of the report reflects the version previously presented to members, but with the contents of the supplementary report incorporated within the main report.

RECOMMENDATIONS

That the committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation

3. ~~[Affordable housing to provide at least 16 affordable rented dwellings (4 x 2 bed and 3 x 1 bed capped at no more than 80% market rents inclusive of service charge and capped at LHA rates, 4 x 3 bed at no more than 60% market rents inclusive of service charge and capped at LHA rates) and 5 intermediate/shared ownership units]~~ NOVEMBER 2020 COMMITTEE: MEMBERS SHOULD NOTE THAT THE AFFORDABLE HOUSING PROVISION WOULD NOW CONSTITUTE 16 DWELLINGS PROVIDED AS RENTPLUS AFFORDABLE RENTED HOMES, COMPRISING 4 X 1-BEDROOM, 5 X 2-BEDROOM AND 7 X 3-BEDROOM HOMES

4. Affordable housing review mechanism - post implementation s106 financial review mechanism
5. Training and employment
6. Sustainability and energy
7. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers/documents
3. Details of materials
4. Hours of operation A5 unit
5. Hours of operation A4 unit
6. Hours of operation outdoor seating area
7. Wheelchair accessibility
8. Parking spaces, cycle storage and public/private footway
9. Vegetation clearance
10. A4 use class restriction and PD rights
11. Mechanical Plant - noise testing
12. Hard and soft landscaping
13. Water usage
14. Construction CEMP
15. Air quality
16. Delivery and servicing plan
17. Remediation statement
18. Privacy screens
19. Obscure glazed windows
20. No change of use from C3 to C4
21. Vehicle charging points
22. Emission standards NRMM

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, informative, 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 committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

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

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

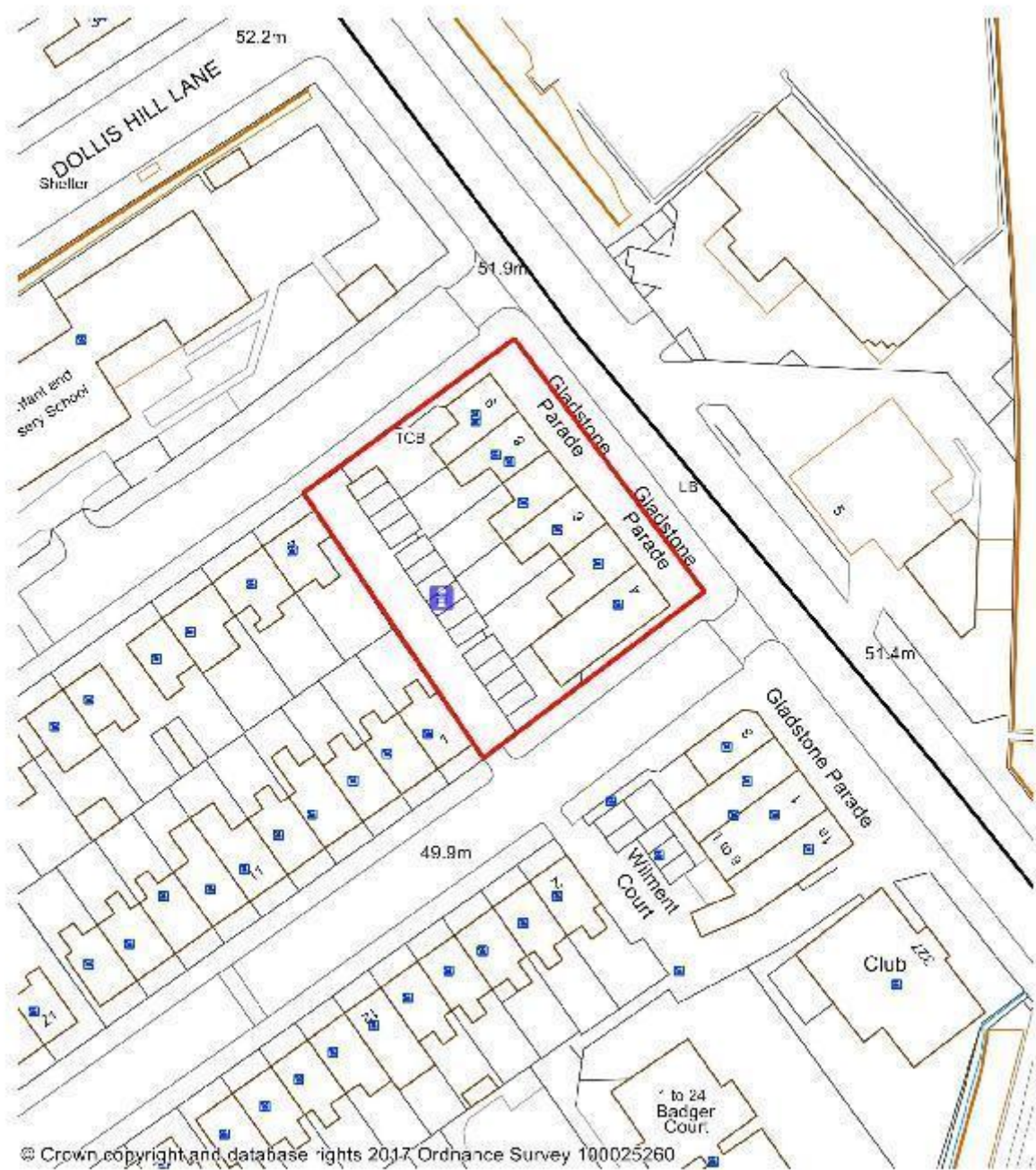
SITE MAP



Planning Committee Map

Site address: All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes, the demolition of the existing parade of shops, residential units and garages to the rear of the site and the construction of a part three to six storey building.

The proposed building would consist of a public house (use class A4) and three commercial units (use class A1/2 and A5) at ground floor level accessed from the Edgware Road of the site.

The rear ground floor level would consist of a car park with 21 spaces and loading areas to serve the residential units and provide servicing for the commercial units.

The residential units would be access via either side of the building and would consist of 14 x 3 bed units, 19 x 1 bed and 21 x 2 bed units with 16 of these units being affordable

Private terraces would be provided to all residential units and there would also be communal amenity areas at first floor, third, fourth and fifth floors.

EXISTING

The application site concerns a three storey building consisting of commercial units at ground floor level and residential units in the upper floors that is located on Edgware Road. Although the site is now vacant, there were previously seven commercial units on site A1, A4 and A5 uses. The parade of shops is not a designated shopping parade but is classed as a local centre.

The site is of no heritage value. It is not located within a conservation area and does not contain any listed buildings.

The area to the west of the site is residential in character with two storey dwellinghouses. A school is located to the north of the site along Edgware Road and there are further commercial buildings located to the south also on Edgware Road. The opposite side of the road is Barnet where a large residential development has recently been completed and there is also a petrol station.

SUMMARY OF KEY ISSUES

Principle

There is no objection in principle to the demolition of the shopping parade subject to the re-provision of a good quality and quantity of residential and non residential units are re-provided as well as the public house. The proposal would also include 26% family sized units of which there is a recognised need within the borough and 30% affordable housing which is the maximum reasonable amount of affordable housing the scheme can currently deliver. The principle of development is therefore considered to be acceptable.

Character and appearance

The proposal is considered to have an acceptable design that would be appropriate in this setting and would not inappropriately challenge or dominate surrounding development

Standard of accommodation

The development would provide an acceptable standard of internal and external amenity for the occupants of neighbouring properties.

Impact on neighbouring amenity

The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

Parking and Servicing

It is considered that the combination of the 21 parking spaces proposed and the use of a 'permit free' agreement secured by condition would mitigate against parking concerns in the area. It is considered that due to the revisions made to the proposed servicing arrangements that they would be suitable for the site and not materially harm the surrounding area.

RELEVANT SITE HISTORY

17/0298 - Granted

Demolition of all mixed use buildings and garages and construction of part three, part four and part five storey building providing 219sqm of flexible retail floorspace for shop/financial and professional services (Use Class A1/a2), hot food takeaway (Use Class A5) and 153sqm for public house (Use Class A4) at ground floor level, and 38 residential units (Use Class C3) on the upper floors comprising 16 x 1 bed, 12 x 2 bed and 9 x3 bed and 1 x 4 bed units with associated car and cycle parking spaces, bin stores and landscaping

CONSULTATIONS

Neighbour consultation letters were issued to 124 properties on the 02/01/2017. Site notices were displayed on 24/01/2019. Press notice advertised on 24/01/2019

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

Objection	Response
Impact on parking	The proposal would provide 21 parking spaces and a 'permit free' agreement would also be secured to ensure that new residents do not park in adjoining streets in the event a CPZ is introduced in the future.
No consultation on planning application	Publicity was carried out exceeding the Council's statutory duty. Neighbour consultation letters were issued to properties within 200 metres of the site, site notices were erected and an advertisement was placed in the local paper.
Impact of construction works and unacceptable working hours	Due to the need to demolish the property officers recommend an informative is added reminding the applicant to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
Loss of valuable local amenities	The pub will be re-provided as well as two units that could potentially house a shop due to their use class and a unit will be provided that could provide a replacement fish and chip shop.
Over development of the site	The scale of development is considered acceptable in this location.
Impact on character	The existing building is not listed and not in a conservation area and the proposed design is considered to be acceptable in light of the varied nature of Edgware Road
Loss of light	The applicant has submitted a Daylight/Sunlight report that shows that there would be no material loss of light to neighbouring properties.
Impact on amenity and health through poor air quality	The proposal has been assessed in terms of neighbouring amenity and health and found to be acceptable. . An Air quality assessment has been submitted with the application and conditions have been recommended to ensure that the future residential units are mechanically ventilated

	where appropriate.
Amount of affordable housing proposed is too low	This has been subject to a stringent viability assessment with the amount proposed being the maximum viable amount possible.
Insufficient services to support new residents	The subject site is located in close proximity to town centres with access to local services. The development would also be liable for CIL payments.
Overlooking and loss of privacy	Separation distances as outlined in the SPD 1 would be achieved
The density is too high and the flats are too small	The density of units is justified due to the location of the site and the quality of the development. The size of the units complies with minimum space standards.

Internal consultation

Transport & Highways – no objections subject to revised drawings and conditions

Environmental Health – no objections subject to revised information and conditions

Additional objections discussed in the Supplementary Report to the 2019 planning committee meeting

The following is the text from the Supplementary Report:

Additional representations have been received following the publication of the committee report. The objections have come from two residents, a Councillor and Dollis Hill Residents Association. This supplementary report clarifies the matters raised.

1.1 Density

Additional comments have been received regarding the proposed density, which significantly exceeds that specified in the London Plan. However, it is noted in the report (p.9), that the London Plan Density Matrix should not be treated mechanistically and this approach is widely recognised. Furthermore, the draft London Plan withdraws the density matrix and encourages a more flexible approach to housing density. It encourages density to be maximised based on site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) the capacity of surrounding infrastructure. As already outlined, the development would be sited in close proximity to two town centres (Cricklewood and Willesden Green) and the site would also benefit from improved public transport in future through the construction of a new Thameslink station.

1.2 External amenity space

The report inaccurately states that all units would benefit from private terraces (p.6). Five of the one bedroom units on the first and second floors would not have access to a private terrace. However, all of these would benefit from larger internal areas. Technical Space Standards requires an area of 50sq.m for a 1p2b unit and the units without amenity space would have areas of between 55sq.m and 58sq.m and therefore would be generously proportioned in this regard. Furthermore, communal terraces would be provided at various levels, ensuring future residents of these units have good access to external space.

Whilst comments have also been raised with regards to the accessibility of the communal areas. It is acknowledged that not all of the units would have access to all the roof terraces, however, roof terraces would be accessible to each core and all units would have access to the main communal area at first floor level. Communal amenity spaces would therefore be convenient to access for all units.

1.3 Single aspect

Additional comments have also been received in relation to the quality of the units, with concerns raised in relation to a large number of single aspect units. The single aspect units are predominantly one bedroom units. The submitted daylight/sunlight report, confirms that all habitable rooms of these units would receive good levels of daylight/sunlight. None of the single aspect units would be north facing due to the building's orientation nor family sized which the London Plan seeks to avoid. Furthermore, none of the units would be

affected by unacceptable levels of noise and the air quality statement, confirms that the use of mechanical ventilation to the units fronting Edgware Road (up to second floor level) would help to ensure they do not suffer from poor air quality.

1.4 Commercial provision

A number of other clarifications are made in respect of the report. The applicant has raised that the area of commercial provision is actually greater than that previously proposed by 8sq.m. It should be noted however that not all the area identified would be useable areas for customers. Nevertheless, if these areas are taken into account there would be a small increase in the commercial provision.

1.5 Air Quality

Comments have also been made in relation to air quality. The submitted air quality report acknowledges that the transport related emissions would exceed the benchmark, however as there would be no building emissions, the development would be air quality neutral. In relation to the units with habitable room windows fronting Edgware Road, mechanical ventilation is proposed in order to minimise exposure of future occupants to poor air quality. It should be noted that whilst the scheme proposes an uplift in residential units, the situation in relation to air quality would be the same as the extant scheme, with habitable rooms windows fronting Edgware Road and Mechanical ventilation proposed in order to manager future residents' exposure to poor air quality.'

1.6 Affordable housing

The report refers to 30% affordable housing provision on p. 3 and 34.4% affordable housing provision on p.6. The larger figure refers to affordable housing provision based on habitable rooms and the smaller figure refers to provision based on number of units.

POLICY CONSIDERATIONS

Development Plan:

London Plan consolidated with alterations since 2011 (March 2016)

Development Management Policies, London Borough of Brent (2016)

London Borough of Brent LDF Core Strategy 2010

Other material planning considerations:

NPPF (2018)

SPD1 - Brent Design Guide

Mayor's Housing SPG

DETAILED CONSIDERATIONS

Consent for a smaller scheme was granted under planning permission 17/0298. The main change in terms of the design relates to the increase in the number of storeys from five to six storeys. There has also been an uplift in the number of residential units from 38 to 54, with an -increase in the number of affordable units from 10 to 16. The other changes will be discussed in detail in the main body of this report.

Officers hold the key considerations to be the following:

1. Principle
2. Character and appearance
3. Standard of accommodation
4. Affordable housing
5. Density
6. Impact on Neighbouring Amenity
7. Transport
8. Energy and sustainability
- 9..Environment

1. Principle

1.1 The principle of a mixed use development was considered acceptable in the previous permission which is implementable..

1.2 The existing building, although now vacant, is considered to be a local centre and therefore the most relevant policy is DMP 4. DMP 4 states that development resulting in the loss of local retail and service provision will not be permitted unless there is alternative equivalent provision within 400 metres. The proposal would result in the net loss of two commercial units, when considered in relation to the existing parade, and there would be a slight reduction in commercial floorspace over the previously approved scheme. Nevertheless the provision would remain the same with the units consisting of a public house (use class A4), two flexible use class A1/A2 units (although indicated as A1 on the drawings) and one hot food takeaway (use class A5) unit. Although a slight reduction in floorspace of that previously proposed, the units would still remain of a good, useable size, with the public house retained in accordance with DMP21. When taking into accounts the wider merits of the scheme, the proposed commercial provision is considered acceptable.

1.3 With regards to the residential aspect of the proposal, the application would result in a net increase of 48 new homes of which 14 (26%) would be family sized with a proportion being affordable.

1.4 On the basis of the above the principle of the re-development is again considered acceptable.

2. Character and appearance

2.1 The consented scheme proposed a five storey building, reducing in height from five storeys at the front to three storeys to the rear. The proposed scheme increases to six storeys, maintaining three storeys to the rear and being at its greatest height fronting Edgware Road. The submitted drawings illustrate the height of the approved building relative to the proposed. Rather than significantly increasing the height of the building to accommodate the additional storey, this has largely been achieved by lowering internal floor to ceiling height. The maximum height increase is stated to be 710mm over the consented scheme, although it should be noted that the increase would be greater than this at some points due to the varying height of the development. Nevertheless, it is considered that the increase of height in itself would not necessarily be overtly apparent from ground level when considered in relation to the scheme already granted permission.

2.2 However, whilst the increase in height would be limited, the alteration would have implications in terms of the design, particularly as it would clearly be read as a six storey building. . During the course of the application, minor amendments were made in order to enhance the design. Amendments include the addition of a brick wall at roof level set behind the facade to give the impression of a more varied roof line, increasing the width of the brick openings at the corners to create greater openness, setting in of balcony railings in order to avoid cluttering to the flank elevations and revising the balconies to the front of building to add more interest. Overall the design approach is considered to be similar to the previously approved scheme, with a staggered development incorporating various set backs to create interest. The detailing, including the brickwork, balconies and fenestration would also be the same as the approved scheme and are therefore considered acceptable.

2.3 When considering the relationship of the proposed building with surrounding development it is considered acceptable. The resulting building would continue to respect the small scale residential buildings to the rear by maintaining the height as already approved. The scale of the building would be experienced most evidently fronting Edgware Road, however there is little consistency to scale or design of buildings here, given the mixed use of buildings on Edgware Road. Whilst it is noted that the building would be sited between one, three storey building and the single storey school building, when considered in its wider context, the overall scale and design of the building would not be unacceptable. When considering the surrounding public vantage points, the proposed building would have a well articulated appearance and the full extent of the development would not be viewed from many surrounding areas.

2.4 The development is therefore considered to have an acceptable impact on the character and appearance of the street scene and locality.

3. Standard of accommodation

3.1 In terms of quality of accommodation, a good standard would be achieved for future residents of the site.

3.2 All of the units would comply with Technical Space Standards in terms of internal floor space, with the majority of the units exceeding the minimum areas specified. The applicant has submitted a daylight and sunlight assessment to show that all of the units would achieve good levels of daylight and sunlight. In terms of outlook, all units would benefit from unobstructed views and therefore the quality of accommodation would also be positive in this regard.

3.3 It is noted that a number of the units would be single aspect, with a greater ratio being single aspect than the consented scheme. Whilst the Mayors Design Guide states that single aspect dwellings should be minimised, officers acknowledge that they can not be avoided altogether. In this case, the development has been designed to ensure that all single aspect dwellings are one or bedroom units, with the units arranged so to ensure that they are not north facing. Of the 54 units proposed, 22 of the units would be single aspect which is a large proportion at 40% nevertheless of these 22 just four of these would contain more than one bedroom, and therefore it is considered that the most appropriate units are designated single aspect.

3.4 In terms of privacy, it is noted that some private terraces would adjoin others, however, any overlooking issues could be addressed through the provision of adequate privacy screens, which will be requested by condition.

3.5 Concerns were raised during the course of the application, with regards to privacy to two of the units as access to a communal terrace area and an adjacent window would mean passing habitable room windows which would likely reduce the quality of accommodation for the residents of these units. Nevertheless, as these windows would be secondary windows serving habitable rooms, it is considered that the use of obscure glazing and ensuring they are fixed shut below 1.7m would ensure their privacy. The rooms that these windows serve would benefit from these windows being retained.

3.6 In terms of amenity space, following amendments to the submitted scheme, all units would benefit from a private balcony or terrace which would be positive. The area allocated to each individual unit would vary considerably, however, all of the one bedroom units would have access to a minimum of 5sqm with the larger units benefiting from larger terraces meeting the standards outlined in the Mayors Design Guide. Whilst it is acknowledged that DMP 19 requires a significantly higher proportion of external amenity space, the private space would be uplifted through a number of communal areas including a large central courtyard at first floor (242.58sqm), a communal terrace at third floor (61sqm) another at fourth floor (56.54sqm) and two at fifth floor (78.71sqm). The communal areas would therefore allocate each unit an additional 8.2sqm of external space. Although the total would fall below DMP 19 standards when considered against the number and size of the units, it should be noted that the majority of units are oversized and therefore the shortfall can be offset by the provision of larger internal areas. Whilst a number of private terraces would be accessed through a bedroom rather than a main living area, which is a preference, it is not considered that this arrangement would be so significant to determine that the quality of accommodation would be poor. There are also public parks and amenity space within relatively close proximity to the site, which adds to the range of outdoor space which would be convenient for the future occupiers.

3.7 In accordance with DMP 1, DMP 18 and DMP 19 the development would ensure a good standard of internal and external amenity for future occupants of the site, despite the minor departure from DMP19 in terms of the amount of external amenity space which falls below DMP19 targets.

4. Affordable housing

4.1 An independent review of the applicants Financial Viability Appraisal (FVA), prepared by James R Brown (JRB), was undertaken by BNP Paribas on behalf of the Council to advise the maximum level of affordable housing the scheme could viably deliver. This assessment was carried out on the basis of the proposed 54 unit scheme. 16 residential units are proposed for affordable housing, representing 34.4% affordable housing measured on a per habitable room basis. The tenure split is broadly policy compliant with 68.7% of the affordable units being designated as affordable rent. This provision falls below the borough strategic target which states that 50% of new homes should be affordable. The applicant's FVA submission contends that the scheme with the current proposal is not financially viable and the 34.4% affordable housing provision proposed represents more than the maximum reasonable amount of affordable housing the scheme can viably deliver. This position has been rigorously tested by BNP Paribas.

4.2 JRB provided a Benchmark Land Value (BLV) based on the Site's existing use value plus a premium. JRB concluded the existing use value was £3.91m and applied a 15% premium to arrive at a BLV of £4.5m. JRB's appraisal of the proposed scheme arrived at a Residual Land Value (RLV) of £3.16m which put the

scheme in a financial deficit of -£1.34m compared to the BLV and therefore demonstrating the scheme is not viable.

4.2 BNP Paribas agreed with the existing use value approach that JRB adopted to calculate the BLV but claimed that JRB had overstated the value of the site. BNP Paribas referred back to an Allsop report which informed the BLV during the previous application. The Allsop report, dated October 2016, concluded the existing use value of the site was £3.6m. BNP Paribas agreed with the report during negotiations for the previous application and stated that the retail market is weaker now than it was in October 2016. On this basis BNP Paribas adopted the Allsop value of £3.6m and applied the 15% premium to arrive at a reduced BLV of £4.14m. BNP Paribas made changes to certain assumptions used in JRB’s appraisal for the proposed scheme. These changes included (but were not limited to) increase in private sales values, reduction in professional fees and changes to the assumed level of developer’s profit. BNP Paribas’ amended appraisal for the proposed scheme arrived at a RLV of £4.49m which showed a small surplus of £0.35m compared to their revised BLV.

4.4 JRB provided two subsequent responses to the BNP report which contested several issues and BNP maintained their position on all points initially. The second response also provided additional cost evidence claiming that both JRB and BNP previously understated the likely build costs. Actual tenders provided by 2 contractors were provided to BNP’s external quantity surveyor (CDM Project Services) to review. Based on the tender submitted by the contractor the applicant had selected CDM and BNP Paribas both concluded that the revised expected build costs removed the £0.35m surplus originally identified in BNP’s report. On this basis BNP Paribas concluded that the current 34.4% affordable housing offer represented the maximum reasonable amount that the scheme can viably offer.

4.5 The following represents the agreed minimum affordable housing position to be secured by a planning obligation within a S106 legal agreement, should Members resolve to grant planning permission:-

11 x Affordable Rent	5 x Intermediate
Unit R1 (3 bed)	Unit R4 (3 bed)
Unit R2 (3 bed)	Unit R12 (3 bed)
Unit R5 (1 bed)	Unit R13 (2 bed)
Unit R6 (2 bed)	Unit R16 (3 bed)
Unit R7 (1 bed)	Unit R24 (3 bed)
Unit R8 (2 bed)	
Unit R9 (2 bed)	
Unit R10 (1 bed)	
Unit R11 (2 bed)	
Unit R14 (3 bed)	
Unit R15 (3 bed)	

4.6 The scheme delivers 34.4% affordable housing. In line with DMP15 Officers recommend a proportionate post-implementation s106 review mechanism be secured, whereby scheme viability is re-appraised 6 months prior to practical completion (or on sale of 50% of market units), and half of any surplus over the benchmark land value and agreed profit level taken as deferred affordable housing planning obligations in the form of a commuted sum ring-fenced for offsite affordable housing delivery, any such sum capped at a level commensurate with the delivery of 50% affordable housing onsite.

5. Density

5.1 The proposal makes highly efficient use of this land to provide a significant contribution to Brent's annual housing target currently standing at 1525 per year. The draft London Plan proposes a significant increase in this number to 2915 home per year, and therefore there is increased pressure to use land as efficiently as possible in order to meet this proposed future demand.. London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is considered to be in an ‘Urban’ setting, with a PTAL of 3 would be appropriate for accommodating 200 – 450 hr/ha, or 45 to 120 u/ha. Paragraph 17 of the NPPF sets out ‘core planning principles, including that planning should "encourage the effective use of land by reusing land that has been developed previously, provided that it is not of high environmental value”.

5.2 The proposed scheme would result in a level of density above the matrix range, as development is proposed to be 284 units/ha. However the London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play.

5.3 The location of the site and the varied existing wider context and character of different buildings and uses locally, together with the regular bus services connecting the area with Willesden Underground Station and Cricklewood Station, the quality of the proposed design and the quantum and quality of on site amenity space and how these contribute to a sense of place are important determining factors when considering residential density. This 'urban' site is within 500m walking distance of Cricklewood Town Centre and has a PTAL rating of 3 which would be increased to 4 subject to the proposed Thameslink. For these reasons the proposed level of density can be supported.

6. Impact on neighbouring amenity

6.1 The development would not result in material harm to the living conditions of adjoining and nearby residents, despite the increase in height.

6.2 Residential units are located directly to the west of the site in the form of two rows of two storey terraced properties, starting with No.1 Gladstone Park Gardens on the south-west side and No.2 Dollis Hill Avenue on the other. Due to the fact that the outlook of these properties is at a right angle to the proposed development it is unlikely that views from the rear windows would be materially harmed. There would however be an increase in mass closer to the boundary of these properties and their rear gardens. Currently the single storey row of garages is located just over 6 metres from the boundaries of the nearest properties. The proposal would see development located 3.4 metres from the boundary at a height of just over 10 metres which is a significant increase. However the height is mostly contained adjacent to the side elevations of each property where there are no habitable room windows. The rear of the development would then drop down to approximately 7 metres to take into account the presence of the rear gardens of the neighbouring properties. Whilst the overall height of the building is proposed to increase, the height would be maintained as approved in this in this key location and therefore the proposal would continue to comply with the Council's 45 degree line guidance set out in SPD 1. The building would therefore not appear overbearing or create an unacceptable sense of enclosure.

6.3 The applicant has also submitted a Daylight/Sunlight report in support of the application. This report has assessed the potential impact that the proposal could have on the two residential properties located immediately to the west, No.1 Gladstone Park Gardens and No.2 Dollis Hill Avenue and two properties to the south No.2 Gladstone Park Gardens and No.3 Gladstone Parade. There are no residential properties to the north. The report has found that the only property that would have a slight loss of light would be No.2 Gladstone Park. This concerns a room that is also served by additional windows and therefore would mitigate against any potential loss.

6.4 The proposal would see the inclusion of a number of communal and private terraces/balconies to the rear. However the use of planting and privacy screens would ensure that overlooking to the neighbouring properties would be reduced. With regard to outlook the units to the rear of the site have similar direction views to the neighbouring residential units in a north/south direction which would ensure that no overlooking would take place. The units at the front of the building would look westwards towards the rear gardens of No.1 Gladstone Park Gardens and No.2 Dollis Hill Avenue. However the terraces and windows would maintain a minimum separation of 20 metres which is considered acceptable. Officers are therefore confident that the reduction in height of the proposed building towards the rear of the site and the orientation of the existing and proposed buildings would ensure that the proposal would not materially harm the amenity of neighbouring residents

6.5 The application proposes the inclusion of a public house and a takeaway unit. Officers have given consideration to the fact that both of these uses could have potential impacts on the amenity of existing and prospective residents. As such conditions are recommended concerning the hours of use of both premises and any extraction equipment for the takeaway unit.

6.6 The development would therefore continue to have an acceptable impact on the occupants of neighbouring residential properties.

7. Transport

7.1.1 Edgware Road a London Distributor road and Gladstone Park Gardens and Dollis Hill Avenue are both local access roads. The site does not lie within a CPZ but is subject to waiting restrictions at all times along the site frontage on Edgware Road, as it is a major A-road (A5). There are also waiting restrictions at both junctions of Gladstone Park Gardens and Dollis Hill Avenue, with the Edgware Road. The rest of Gladstone Park Gardens and Dollis Hill Avenue do not have parking restrictions along them, but both streets are defined as heavily parked. Dollis Hill Avenue is a 20mph zone due the vicinity of the school in close proximity to the site. Gladstone Park Gardens has a banned right turn onto Edgware Road.

7.1.2 The site has moderate accessibility with a PTAL rating of level 3. No tube or rail stations are within walking distance of the site, but seven bus routes are locally available.

7.2 Parking

7.2.1 Parking Standards are contained within appendix 1 of the Development Management Policies. The existing 6 flats are permitted 1 spaces for each unit 1-2 bed unit and therefore a total of 6 spaces are permitted for the site and a further 6 spaces permitted for the existing ground floor retail units. There are approximately 13 garages at the rear of the site that satisfy existing parking standards. The proposed residential dwellings are permitted 1 space per 1-2 bed unit and 1.5 spaces per 3-bedroom unit. This totals 61 parking spaces for the proposed 54 residential units, which is a significant increase in parking standards. The site also proposes 4 commercial units, with the parking allowance for retail units being 1 space per 100m² and therefore a further 4 parking spaces are permitted. 21 off-street parking spaces are proposed to the rear of the site.

7.2.3 However, DMP 12 requires the impact of overspill parking to be considered and requires that overspill parking can be safely accommodated on-street. On-street parking is able to be counted towards meeting requirements along lightly parked local access roads which have sufficient width to safely accommodate on-street parking. However, Edgware Road is a London Distributor Road and Dollis Hill Avenue and Gladstone Park Gardens are both confirmed as heavily parked streets. Brent's last overnight parking survey carried out in 2013 showed 95% occupancy on Dollis Hill Avenue and 116% occupancy on Gladstone Park Gardens.

7.2.4 With parking meeting less than 40% of the maximum standard, there is potential concern regarding overspill parking. However the situation was the same with the approved scheme whereby concerns were raised over the lack of on- street parking spaces and the resultant impact on the surrounding heavily parked streets . It was however noted that the Brent Cross Redevelopment would bring a new Thameslink station to the area by 2022 on the current programme, which would lift the PTAL value to 4 (good access to public transport) and therefore reduce the parking standard. It was also noted that funding is reserved from the Brent Cross development for a CPZ consultation in the area. On this basis development could therefore potentially be backed by a 'permit free' agreement that could be enforced should a CPZ come into effect. Weight was also given to census data which calculated that car ownership for flats in the area is 0.4 cars per flat. As such, whilst there were concerns over the parking levels proposed, there were mitigating factors that were due to come into effect over the next few years that would help to address these concerns.

7.2.5 The current proposal would increase the number of units from 38 to 54 and car parking spaces would be retained as previously approved (21 spaces). This would add to the previous concerns regarding overspill parking, with the ratio of parking spaces per unit falling from 0.55 to 0.38. It should also be noted that the proposed expansion of the Brent Cross shopping centre has been put on hold for the time being. However, this should not delay the construction of the new Thameslink station or provision of CPZ funding for the area, so the previous judgement of the presence of a new station and potential new CPZ would still be applicable.

7.2.6 As such, the proposed number of car parking spaces are again considered to be acceptable, subject to a 'car-free' agreement to mitigate potential overspill parking concerns.

7.3 Access

7.3.1 The vehicular access at the rear of the site will be a one way system. The site is proposed to be accessed via a 3m wide private road, which will run parallel to Edgware Road and will be accessed via Gladstone Park Gardens and egressed via Dollis Hill Avenue which is acceptable.

7.4 Servicing & Refuse Collection

7.4.1 Two loading bays are proposed to the rear of the site with the access from the rear of the units being provided in order to avoid any loading from Edgware Road.. Tracking diagrams have been provided that demonstrate vehicles will be able to leave the one-way access road in forward gear.

7.4.2 The two bin storage areas have been located at either side of the development allowing satisfactory access from both cores and also allowing direct access onto the Public Highway for collection. There are existing double yellow lines on Dollis Hill Avenue and Gladstone Park Gardens. Refuse vehicles could stop in this area, located 7 metres from the junction with the Edgware Road. The area should be clear of other vehicles due to the presence of the yellow lines and allow refuse vehicles to temporarily wait to collect rubbish.

7.5 *Cycle Parking*

7.5.1 The development proposes 90 cycle parking spaces for the residents, 4 cycle parking spaces for the commercial units and 10 cycle spaces for visitors. These spaces are compliant with the London Plan and are welcomed. The 94 resident and commercial cycle spaces will be provided in a cycle store at the rear of the building, which will protect them from theft and weather. The 10 visitor cycle spaces will be provided within the private forecourt at the front of the building. Although these spaces will be at the front building, on Edgware Road, they will be on private footway and therefore would be maintained privately. The private footway and public footway should be demarcated with a row of setts, to avoid any confusion.

8.0 *Energy and Sustainability*

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

8.2 The application is supported by an energy assessment. The scheme has been designed to a Certified Passivhaus level. The Core focus of Passivhaus is to dramatically reduce the requirement for space heating and cooling by adopting a fabric first approach to the design by specifying high levels of insulation, air tightness and mechanical ventilation. Due to the adopted approach, the site proposes to achieve all of the 35% reductions against Class L through fabric and energy efficiency improvements.

8.3 The applicant has not submitted a BREEAM pre-assessment. Core Strategy Policy CP19 requires all major non-residential development to achieve a rating of BREEAM excellent. However, because the floor area proposed the retail element would not be considered major, this requirement is not considered to be necessary.

9.0 *Environment*

9.1 *Trees and Landscape*

9.1.1 A Tree Survey, Tree Protection Plan and Arboricultural Impact Assessment all support the application. These consider the impacts on trees on and adjacent to the site during the construction stage and the life of the development. It is proposed to remove a number of trees within the site which is acceptable subject to replacement planting. Subject to further details of new planting (including new trees), to be agreed as part of a landscaping condition, and implementation of the tree protection plan measures set out there would be no objection. This was the same as the previously approved scheme.

9.2 *Air Quality*

9.2.1 The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by XCO2 has been submitted considering the potential air quality impacts associated with the re-development of the site, concluding that it would not cause a significant impact on local air quality. The report shows that construction works would give rise to a low to medium risk to air quality

through dust impacts, however these could be mitigated through a Dust Management Plan... It also found that additional traffic from the development would not significantly affect local air quality. However, detailed modelling of traffic on Edgware Road indicates that there will be an exceedance of both the short term and long term air quality objective for NO₂, which would exceed up to second floor level. Mechanical ventilation is therefore recommended to minimise exposure of the future occupants to poor air quality.

9.2.2 Whilst the transport related emissions associated with the proposed development exceed the benchmarked emissions, there will be no building related emissions from the site and therefore overall the development is considered to be air quality neutral.

9.2.3 The redevelopment of the site would therefore have an acceptable impact on air quality.

9.3 Noise

9.3.1 London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. An Environmental Noise Assessment has been undertaken and supports the application. This quantifies the existing noise climate in the local area, in order to determine building envelope performance requirements (in view of the proposed uses) and plant noise emission levels. The noise assessment has been assessed by the Councils Environmental Health Team, who considers the methodology to be accurate and that the surveyed range of recorded sound pressure levels provided are considered representative of the local noise climate.

9.4 Flood risk and drainage

9.4.1 London plan policy 5.12 requires developments to comply with flood risk assessment and management requirements set out in the NPPF. The site is situated within Flood Zone 1 and therefore has the lowest level of flood risk. A Flood Risk Assessment does support the application. This confirms the site is at low risk of tidal or fluvial flooding, and that flood risk from all other sources is deemed to be low

9.4.2 London plan policy 5.13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. The proposed development includes permeable paving, blue roof and storage tanks to manage this. Due to the measures proposed, the development is not considered to result in any increase in flood risk. The measures adopted would actually result in the reduction of final discharge allowing for additional capacity in the existing drainage system.

9.5 Contaminated Land

13.1 The requirement to deal with contaminated land is set out in London Plan policy 5.21 and reinforced by the NPPF. The site is located on land that has had a previous contaminative land use (garages) and as such there is potential for contamination to be present. However, the previous permission 17/0298 was subject to a pre-commencement condition for a site investigation and remediation strategy, which was formally discharged under planning application 18/4822. The same information has been submitted to support this application and as such the requirements to deal with land contamination have been satisfied.

10.0 Conclusion

10.1 Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy, with minor departures from policy being outweighed by the benefits of the proposal. The proposal makes efficient use of previously developed land in a sustainable location and would make a positive contribution to the locality. This efficient use of the land will result in a substantial number of new homes, helping to meet housing targets, and secures the maximum viable proportion of affordable housing. It is considered that the form of development will have an acceptable impact on and relationship with the existing surrounding development and will not unduly harm surrounding amenity. A well considered landscape strategy is proposed, which combined with the proposed standard of design and layout of buildings will ensure a high standard of development and a good quality residential environment for future occupiers. Officers recommend the application for approval subject to the conditions and s106 obligations set out in this report.

CIL DETAILS

This application is liable to pay **£1,327,873.51** * 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): 1529 sq. m.

Total amount of floorspace on completion (G): 5449.96 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) Shops	450.81		324.33	£40.00	£0.00	£19,344.21	£0.00
(Brent) Dwelling houses	4999.15		3596.63	£200.00	£0.00	£1,072,565.22	£0.00
(Mayoral) Shops	450.81		324.33	£0.00	£60.00	£0.00	£19,518.49
(Mayoral) Dwelling houses	4999.15		3596.63	£0.00	£60.00	£0.00	£216,445.59

BCIS figure for year in which the charging schedule took effect (Ic)	224	333
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£1,091,909.43	£235,964.08

*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: 18/4777

To: Mr Williams
Lichfields
14 Regents Wharf
All Saints Street
London
N1 9RL

I refer to your application dated **17/12/2018** proposing the following:

Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 22 x 1 bed, 18 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping

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

at **All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London**

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: 17/11/2020

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 proposal complies with the Development Plan, having regard to relevant material considerations.

- 1 **STANDARD TIME FOR COMMENCEMENT**

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 **APPROVED DRAWINGS AND DOCUMENTS**

The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

DR-17.554-A-200-P6
DR-17.554-A-201-P6
DR-17.554-A-202-P5
DR-17.554-A-203-P5
DR-17.554-A-204-P6
DR-17.554-A-205-P7
DR-17.554-A-206-P8
DR-17.554-A-301-P7
DR-17.554-A-302-P6
DR-17.554-A-303-P3
DR-17.554-A-304-P5
DR-17.554-A-305-P8
DR-17.554-A-306-P6
DR-17.554-A-307-P4

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

- 3 **NO PARKING PERMITS**

Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 4 **HOURS OF OPERATION - A5 UNIT**

The A5 premises shall not be used except between the hours of:

Monday - Thursday: 08:00hrs - 23:30hrs

Friday - Saturday: 08:00hrs - midnight

Sunday and Public Holidays: 09:00hrs - 23:30hrs

Reason: to protect the amenity of neighbouring and nearby residential occupiers.

5 HOURS OF OPERATION - A4 UNIT

The public house shall not be used except between the hours of:-

1. 08:00 hours and 23:00 hours Mondays to Fridays
2. 10:00 hours and 00:00 hours Saturdays
3. 10:00 hours and 23:00 hours Sunday and Public Holidays and at no other time.

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

6 HOURS OF OPERATION - OUTDOOR SEATING

The outdoor seating area shall not be used except between the hours of :

1. 10:00 hours and 22:00 hours Mondays to Saturdays
2. 10:00 hours and 21:00 hours Sundays and Public Holidays

and at no other time whatsoever.

Reason: To protect acceptable local noise levels and neighbouring amenity

7 ACCESSIBILITY

No less than 10% of the residential units hereby approved shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)), with all other dwellings constructed to meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

8 LAY OUT PARKING AND CYCLE PARKING

Prior to the commencement of the use of any part of the approved Development the following shall be constructed and permanently marked out:-

- the approved number of car parking spaces as shown on the approved plans
- cycle parking numbers as approved
- The private footway and public footway should be demarcated with a row of setts

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose/s.

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

9 TIMING FOR VEGETATION CLEARANCE

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

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

10 A4 USE CLASS RESTRICTION AND REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO CHANGE USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the public house identified as C1 on approved drawing dr-17.554-A-201 P6 shall be used as a drinking establishment (Use Class A4) only and for no other purpose whatsoever without express planning permission first being obtained from the Local Planning Authority.

Reason: In light of the weight given to the merit of re-providing the public house in accordance with policy DMP 21

11 The windows to units R38 and R26 as indicated on the approved drawings and facing the inner courtyard shall be obscure glazed below a height of 1.7m and shall be retained as such unless otherwise approved in writing by the local planning authority.

Reasons: In order to ensure an adequate degree of privacy for the occupants of this site. In the interests of amenity.

12 The proposed development shall be carried out only in accordance with the submitted Remediation Method Statement (Risk Management dated October 2018). Prior to first residential occupation a verification report shall then 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).

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

13 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

14 Prior to first occupation of the development hereby approved, electric vehicle charging points shall be provided and made available for use within at least 20% of the approved car parking spaces within the site. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy 6.13.

- 15 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), 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 EP3 and London Plan policies 5.3 and 7.14

16 AIR QUALITY - FURTHER DETAILS

Notwithstanding the submitted information, mechanical ventilation shall be installed to all units with windows fronting Edgware Road (1st to 5th floors). Furthermore, prior to the commencement of above ground works, the following details shall be submitted to and approved in writing by the local planning authority.

- (i) Full specification of the proposed mechanical ventilation systems to be installed
- (ii) An assessment and modelling results for the nitrogen dioxide and particulate emission levels for the 1st to 5th floor units.
- (iii) Information on the air quality levels from the additional heating systems for the proposed new flats
- (iv) An air quality neutral assessment

The approved details shall be implemented in full prior to first occupation of the residential units and maintained for the lifetime of the development.

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

- 17 All measures outlined in the Arboricultural Impact Assessment by Landmark Trees dated 27 November 2018 shall be implemented and adhered to in full.

Reason: In the interests of tree preservation and the visual amenity of the area.

18 MATERIALS - SUPPLY DETAILS

Prior to the commencement of above ground works details of materials for all external work, including manufacturer's literature and physical samples of bricks to be provided on site for inspection, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

19 MECHANICAL PLANT - NOISE TESTING

Prior to the installation of any mechanical plant together with any associated ancillary equipment ('the plant') further details of the plant shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: (i) manufacturer's specifications and literature of the plant; (ii) an assessment of the expected noise levels of the plant carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'; and (iii) any mitigation measures necessary for the plant to achieve noise levels of not louder than 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

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

Reason: To protect acceptable local noise levels, in accordance with DMP1 of the Development Management Policies

20 HARD AND SOFT LANDSCAPING INCLUDING TREES

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

- (a) the means of protection (in accordance with BS5837:2012) of all existing trees on site or in close proximity to the site boundaries and not directly affected by the building works and which are to be retained, including detailed proposed protection measures during any demolition or construction works to include locations of all protective fencing, ground protection, site facilities and storage areas. Where, for construction purposes, it is necessary to position tree protection fencing within the RPA of retained trees, suitable ground protection will be installed to prevent undue soil/root compaction from pedestrian and/or vehicular traffic. Such works are to be carried out fully in accordance with Landmark Trees dated 27th November 2018 unless otherwise approved in writing.
- (b) Details of proposed walls, fencing and other means of enclosure indicating materials and heights;
- (c) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,
- (d) Details of adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (e) Details of any balustrade/balcony treatment
- (f) Details of areas of hard landscape works and proposed materials, including details of a robust and durable choice of material for the parking area and loading bays;
- (g) Details of the proposed arrangements for the maintenance of the landscape works.
- (h) Details for the provision for outside seating / benches and children's play equipment
- (i) Details for the provision of on site bird and bat boxes
- (j) Details of demarcation of the private and public footway

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

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

21 WATER USAGE

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

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

22 CONSTRUCTION - CEMP

The development shall be carried out in accordance with the submitted Construction Environmental Management Plan prepared by Goddard and Sons dated May 2019 (Rev 04)

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

23 DELIVERY AND SERVICING PLAN

Prior to first occupation of any building(s) details of a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full for the lifetime of the development.

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

24 Prior to the occupation of the residential units hereby approved, a drawing indicating the location of privacy screens where private terraces and/or communal terraces adjoin, at a height no less than 1.7m, shall be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure an adequate standard of privacy for future occupants of the site. In the interests of amenity.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant 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.
- 3 A Groundwater Risk Management Permit from Thomas Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the development to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.

Any person wishing to inspect the above papers should contact Paige Ireland, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3395