

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

7 April, 2021  
04  
20/3149

## SITE INFORMATION

RECEIVED	30 September, 2020
WARD	Willesden Green
PLANNING AREA	
LOCATION	Willesden Green Garage, St Pauls Avenue, London, NW2 5TG
PROPOSAL	Demolition of MOT garage and erection of a part eight storey and part four storey building with basement level to provide 86 self-contained flats with ground, third and fourth floor amenity space, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</a></p> <p><b><u>When viewing this as an Hard Copy _</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "20/3149" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Energy Strategy
4. Travel Plan
5. Permit free agreement
6. Training and Employment
7. Affordable Housing including a review mechanism
8. Considerate Constructors Scheme
9. s278 highway works
10. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Sound insulation and noise reduction
4. Plant
5. Wheelchair accessible
6. Cycle/parking spaces
7. Vegetation clearance
8. Details of materials
9. Hard and soft landscaping plan
10. Mains water consumption
11. Air Quality
12. Drainage Strategy
13. Access to basement
14. Site investigation and remediation
15. Design and construction method for Network Rail
16. Piling and Excavation works
17. Cycle and Refuse Storage
18. Mix

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.

## SITE MAP

	<b>Planning Committee Map</b>
<b>Brent</b>	Site address: Willesden Green Garage, St Pauls Avenue, London, NW2 5TG
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## PROPOSAL IN DETAIL

Demolition of MOT garage and erection of a part eight storey and part four storey building with basement level to provide 86 self-contained flats with ground, third and fourth floor amenity space, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping.

## EXISTING

The subject site was occupied by an open air car sales business and a car wash/valet business. The site is located on the corner of St Paul's Avenue and Park Avenue North and a train/underground line is located to the north. The area is generally residential in character with Willesden Town Centre located 230 metres to the south of the site. To the west of the site and directly across the road is Kingsley Court which is a large Grade II listed, residential building built in the 1930s. The site is not located within a conservation area. To the south of the site there are a number of attractive mansion blocks from the Victorian era. To the east of the site there is a row of two storey, terraced properties that lead up St Pauls Avenue to Willesden High Street.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Representations received** - 38 objections were received from local residents raising concerns regarding heritage & design, the impact on character, parking, flooding, neighbours living conditions, consultation, impact on local services, the amount of affordable/family housing and over development of the site.

**Principle of use** - The principle of the development has already been established by the extant planning consent 17/5291.

**Affordable homes / unit mix** - The proposal would deliver 18.5% affordable housing (3 more Affordable homes than the extant consent) with a 69:31 ratio of Affordable Rent to Intermediate housing, which the maximum reasonable amount that can be delivered. The scheme would provide Affordable Rented homes in line with the extant consent rather than London Affordable Rented homes. This is considered acceptable as the extant consent is a material consideration. The development would provide 17.4% family housing which is below the policy target of 25 % but is considered to be acceptable having weighed the benefits associated with the provision of additional Affordable housing enabled through the provision of fewer family sized homes. It is also noted that this represents 2 additional family sized homes than were secured through the extant consent.

**Design** – The design is considered to be of a high quality and follows the design principles of the consented scheme. Whilst an additional storey is proposed, the overall increase in height is limited to 2m. As before the scale has been staggered with the four storey element retained in order to better respect surrounding context. The proposal is not considered to result in harm to the historical significance or setting to the adjacent Grade II listed building, Kingsley Court.

**Quality of accommodation** – The proposed accommodation would be of good quality, size and layout, consistent with London Plan standards, with good access to light, outlook. Whilst there is a shortfall in amenity space below, it is considered that on site amenity space has been maximised having regard to site constraints. The proximity to nearby public open spaces and the oversized nature of a large proportion of the units is considered to mitigate impacts associated with the identified shortfall and the benefits of the scheme, including the provision of new homes in the borough and the improvements to the streetscene are considered

to outweigh this limited conflict with the development plan

**Neighbour amenity** – The proposed development would not result in any material losses in daylight/sunlight to neighbouring properties over that considered acceptable in the extant consent.

**Highways** – It is considered that the combination of the 18 parking spaces proposed and the use of a parking permit restriction secured through the legal agreement would mitigate against potential parking impacts in the area. It is considered that the proposal would be adequately serviced by utilising the space on St Paul's Avenue

**Environment and sustainability** – Consideration has been given to ecology and the sustainable development of the proposals and the proposal is considered to accord with policy.

## RELEVANT SITE HISTORY

### 17/5291 - Allowed on appeal

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

### 20/2257 - Under consideration

Variation of condition 2 (approved plans) to allow for

- Internal alterations to facilitate the creation of 6 additional residential units
- External alterations to include additional windows, winter gardens and roof terrace
- Reduction in size of basement and repositioned ramp

and Variation of Condition 17 (Mix) of full planning application 17/5291, allowed on appeal dated 17 December 2019 (amended under non material amendment application 20/1873) for Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide residential units with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

## CONSULTATIONS

356 neighbouring properties were notified and a site and press notice were displayed. 38 objections were received at the time of writing this report

Objection	Response
Out of keeping with scale of area	See paragraphs 35-38 of the detailed consideration section of the report.
Building is not interesting architecturally and will be an eyesore	See paragraphs 35-39 of the detailed consideration section of the report.
Height of building will reduce nature light to neighbouring properties	The application has been accompanied by a daylight/sunlight report which demonstrates no material daylight/sunlight losses over the extant scheme.
Additional population will put strain on local services/infrastructure	The development is CIL liable with the monies collected to be put towards local infrastructure.
On-site parking is inadequate and will result in chaos and car disputes/violence	See paragraphs 58 and 59 of the detailed considerations section of the report.
Original land has been used as a garage, have safety guidelines been met	Land contamination reports have been submitted and reviewed by Environmental Health Officers. Subject to appropriate

	remediation the land is suitable for residential use.
Does not respect the setting of Kingsley Court and will obscure Kingsley Court	See paragraphs 40-41 of the detailed consideration section of the report.
Loss of privacy to neighbouring properties	See paragraph 23 of the detailed considerations section of the report.
Developer is proposing a large number of single aspect units in place of family homes	See paragraphs 43-44 of the detailed consideration section of the report.
Proposed building has an extra storey which makes it even more overbearing	See paragraphs 35-38 of detailed consideration section of the report.
Affordable housing and family sized units are still below Brent's targets	The applicant has submitted a viability assessment to demonstrate that the maximum reasonable level of affordable housing would be provided. Viability and the provision of family homes is discussed in paragraphs 5-17.
In this proposal landscaping is reduced with all lawns artificial and only 25% of available ground put to vegetation	The proposal includes indicative landscaping proposals which detail high quality hard and soft landscaping. Some artificial grass is suggested within the roof terraces. Full details of the landscaping would be secured through condition.
Restrict panoramic views currently available from Kingsley Court	Private views aren't protected through planning policy and therefore this is not a material planning consideration.
Vehicle ramp appears to have lost measures to reduce sound transmission	The application has been accompanied by a noise assessment which has been reviewed and by Environmental Health Officers who consider the noise generated to be within acceptable limits.
Flawed pre-application consultation with local residents	There is not a statutory requirement for developers to carry out a consultation with the local community although it is good practice.
This application appears to be an attempt by this developer to exploit the site for full financial advantage	The application has been accompanied by FVA which shows the development is in a deficit.
Brent Draft Local Plan considered the site indicative of development for 50 residential dwellings under ref. BSESA25	The number given in the site allocation is indicative and when considered against relevant policies the site is capable of accommodating more than the indicative capacity.
Developer seeking to return to the original scheme which the Council rejected	The original scheme was rejected on the basis of neighbouring impact issues.
Estimated delivery and servicing figures are outdated	This information is considered useable and accurate.
Development produces a housing density figure of 374 more than double the standard for an urban location with similar transport	The density matrix no longer forms part of adopted policy and the proposed density is considered acceptable for this site and in this location.
Development of this size will hugely increase noise and nuisance and diminish residential amenity	The proposal is for a modern residential scheme in a predominantly residential setting which has been supported by a noise assessment which demonstrates noise would be within acceptable limits.
Flash flooding in area and therefore great concern with the increased number of flats and lack of soft landscaping	The information has been reviewed by the Drainage Engineer who is satisfied with the proposal subject to suitable SuDs measures being implemented.
The street is not made for the level of traffic and the high pollution that this will cause	There is limited parking on site and the development would be subject to a parking permit restriction.
Increased pressure on infrastructure such as sewers and drainage is a concern	The information has been reviewed by Thames Water and the LLFA and the development is considered acceptable.

Pavement adjacent site is used heavily by primary school children and there is concerns with regards to safety	Limited on site parking is proposed and the access has been reviewed by transport officers who have raised no safety concerns.
Limited internal space would force residents to store belongings on balconies which would change character of area	All units meet Technical Space Standards with many units exceeding minimum requirements. All units also benefit from designated storage space. The balconies are of brick construction which would likely restrict the visibility of anything put on the balconies.
Building should be no higher than Kingsley Court	The scale of the development is discussed in the main report.
Material should be in keeping with red brick façades	The materiality has already been deemed acceptable by the extant scheme.
The proximity to the railway is not appropriate	The proposed development shares a similar relationship with the railway as other properties on St Pauls Avenue. Relevant railway bodies have been consulted and have raised no objection.
There should be more environmentally friendly measurements designed to offset the carbon footprint	The application has been accompanied by an Energy Assessment to demonstrate a reduction of on site carbon emissions. A payment to the boroughs carbon offset fund is also to be secured via a Section 106 agreement.
Developers are backtracking on features taken into account by the Inspectorate in allowing the appeal scheme	The Inspector focused on the reason for refusal. They did note that the revised scheme had regard to reducing its impact on 75 St Pauls Avenue in terms of natural light. As discussed in the report the proposed development does not result in any material reduction in natural light when considered against the extant scheme.
Amenity provision falls below standards	Discussed in main report.
Development fails to respect building line of St Pauls Avenue	The development is proposed to be built on the same building line as the extant scheme which is a material planning consideration.

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2021 London Plan.

### **Brent Core Strategy (2010)**

CP1: Spatial Development Strategy

CP2: Population and Housing Growth

CP5: Placemaking

CP6: Design & Density in Place Shaping

CP17: Protecting and enhancing the suburban character of Brent

CP21: A Balanced Housing Stock

### **Brent Development Management Policies (2016)**

DMP 1: Development Management General Policy

DMP 7: Brent's Heritage Assets

DMP 9A: Managing Flood Risk

DMP 9B: On Site Water Management and Surface Water Attenuation

DMP 12: Parking

DMP 13: Movement of Goods and Materials

DMP 15: Affordable Housing

DMP 18: Dwelling Size and Residential Outbuildings

DMP 19: Residential Amenity Space

## **London Plan**

GG1 Building Strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering New Homes Londoners need

GG5 Growing a Good Economy

GG6 Increasing Efficiency and Resilience

D1 London's Form and Characteristics

D2 Delivering Good Design

D3 Inclusive Design

D4 Housing Quality and Standards

D5 Accessible Housing

D6 Optimising Housing Density

D11 Fire Safety

D13 Noise

G1 Green Infrastructure

G7 Trees and Woodlands

H1 Increasing Housing Supply

H12 Housing size mix

HC1 Heritage Conservation and Growth

SI1 Improving Air Quality

SI5 Water Infrastructure

SI7 Reducing Waste and Supporting the Circular Economy

SI12 Flood Risk Management

SI13 Sustainable Drainage

T4 Assessing and Mitigating Transport Impacts

T5 Cycling

T6 Car Parking

T7 Deliveries, servicing and construction

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

### **Brent Draft Local Plan**

DMP1 Development Management General Policy

BD1: Leading the Way in Good Urban Design

BH1: Increasing Housing Supply in Brent

BH5: Affordable Housing

BH6: Housing Size Mix

BG12: Trees and Woodlands

BH13: Residential Amenity Space

BSUI2: Air Quality

BSUI4: On Site Water Management and Surface Water Attenuation

BT1: Sustainable Travel Choice

BT2: Parking and Car Free Development

BT4: Forming an Access on to a Road

### **The following are also material planning considerations**

#### **National Planning Policy Framework (2019)**

#### **Supplementary Planning Documents/Guidance (SPD/SPG)**

Brent SPD1: Design Guide for New Development (2018)

Mayor's Housing SPG

Mayor's Sustainable Design and Construction SPG

National Planning Policy Guidance

National Design Guide

Brent Waste Planning Guide

## **DETAILED CONSIDERATIONS**

### **Background**

1. There is an extant permission ref.17/5291 on site for a four to seven storey development containing 70 flats. This application was refused by members at planning committee for the reason of impact on neighbouring properties and failure to agree a Section 106 agreement, The decision was subsequently appealed by the applicant and allowed by the Planning Inspectorate citing that any reductions in light would not affect the usability of the affected rooms at neighbouring 75/75A St Paul's Avenue.

## **Principle**

2. As above the principle of the development has already been established by the extant consent. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation.
3. The London Plan (2021) increased the housing targets for London boroughs with the target number for Brent increased to 2,325 per year in this newly adopted plan. Brent's emerging Local Plan seeks to focus housing growth within its growth areas and site allocations. The site forms site allocation BSESA25 which is allocated for residential use with an indicative capacity of 50. It should be noted that indicative capacities are not normally derived through a detailed design process, and do not act as a maximum (or minimum) number of homes that can be delivered on a site. Applications must be considered having regard to the full suite of planning considerations (discussed in detail below).
4. The proposed development would deliver 86 residential units and therefore 16 additional homes over the extant scheme. . The development would therefore contribute to the delivery of London's housing requirements and the Council's housing target in line with London Plan Policy H1, and emerging policy BH1 of Brent's Local Plan.

## **Affordable housing**

5. 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.
6. 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.
7. London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and requires the following split of affordable housing provision to be 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.
8. 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 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.

9. Brent's draft Local Plan has only recently been examined by the Planning Inspectorate and as such the adopted Policy DMP15 would carry considerably more weight than the emerging policy at present. The policy requirements can be summarised as follows:

Policy context	Status	% Affordable Housing required	Tenure split		
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (to 80 % Market)	30% Intermediate	
London Plan	Adopted	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	

10. The extant scheme provided 18.5% Affordable Housing which was rigorously tested at the application stage and this was found to be the maximum reasonable amount. This equated to 13 units on a materially policy compliant mix (69:31 in favour of Affordable rented homes) with the following unit sizes.

Unit Type	Private	Intermediate	Affordable Rent
1 bed	28	2	5
2 bed	19	1	2
3 bed	10	1	2
<b>Total</b>	<b>57</b>	<b>4</b>	<b>9</b>

11. The provision of 16 Affordable homes is proposed within this application, which again equates to 18.5% with the mix specified below

Unit Type	Private	Intermediate	Affordable Rent
1 bed	36	2	5
2 bed	23	2	3
3 bed	11	1	3
<b>Total</b>	<b>70</b>	<b>5</b>	<b>11</b>

12. In order to demonstrate that the scheme would provide the maximum reasonable amount of affordable housing on site, a Financial Viability Assessment prepared by Redloft has been submitted in support of the application. This viability appraisal has been rigorously tested by BPS on behalf of the Council.
13. With the submitted FVA, Red Loft adopted the benchmark land value suggested by BPS in their viability report in relation to the original planning permission 17/5291. This was based on an EUV of £1,879,691 and a landowner premium of 10% giving a benchmark land value of £2,067,660. BPS agree with Red Loft in relation to this assumption having regard to the site being in continuous use and values being relatively stagnant since the date of the original viability report.
14. Whilst BPS and Red Loft are in agreement in relation to the BLV, they are not in agreement in relation to some of the assumption, with BPS adopting different values to Redloft in relation to the both Private and Affordable Residential Values, Developer profit and Finance Rates. In addition BPS have included assumptions in relation to Ground Rent and Car Parking values which were not included by Red Loft.

15. Nevertheless, whilst not all assumptions have been agreed, both Redloft and BPS conclude that the scheme would be in a financial deficit, with Red Loft concluding a deficit of £3.76 million and BPS concluding a less acute deficit of £2.27 million. Nevertheless, both conclusions indicate that the scheme is delivering the maximum reasonable amount of affordable housing on a 70:30 split of Affordable Rent to Intermediate homes
16. It should be noted that the affordable housing would be provided as Affordable Rent and Shared Ownership. Draft Local Plan Policy BH5 gives more clarity on the type of affordable housing to be provided stating that 70 per cent should be provided as Social Rent/London Affordable Rent. In this case the applicant seeks to provide the housing as Affordable Rent, as this is the same as what has been provided in the extant scheme. The applicant has provided an additional FVA assuming the provision of London Affordable Rent in place of the Affordable Rent. If this was pursued this would achieve 13 Affordable units (9 London Affordable Rent and 4 Shared Ownership) equating to a percentage provision of 13.1% on a policy compliant split which is considered the maximum reasonable.
17. Given the extant scheme, the provision of the proposed type of affordable housing is considered acceptable and the applicant has demonstrated that 18.5% affordable housing on a 70:30 split, is the maximum reasonable amount of affordable housing that can be delivered on site. This is a comparable percentage to the consented scheme and would have the benefit of delivering additional affordable homes.

### **Mix**

18. Policies CP2 of Brent's Core Strategy, DMP 15 and BH6 of the Draft Local Plan outline that at least 25% of new homes within the borough should be family sized (3 bedrooms or more). In terms of the family sized dwellings, the consented scheme provided 13 of these equating to 18.5%. The proposed scheme provides 15 family sized dwellings equating to a percentage provision of 17.4%. Whilst a slight percentage reduction over the consented scheme, there would be an uplift of two family units with one additional unit within the affordable rented tenure. The benefits of the scheme are considered to outweigh the harm associated with the shortfall in family sized homes

### **Impact on neighbouring properties**

19. SPD 1 provides guidance on how new development should be designed in order to protect neighbouring amenity. Amongst the guidance it states that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of two metres above floor level. Where proposed development adjoins private amenity/garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.
20. Given its the only property sharing a common boundary with the subject site, the most affected property would be 75/75A St Pauls Avenue.
21. Given the modest increase in height in order to facilitate the additional storey, the development would comply with the 45 degree rule when taken from the neighbouring boundary at 75/75A St Pauls Avenue.
22. The four storey element of the proposal would comply with the 30 degree rule when taken from the neighbouring windows at both ground and first floor of 75 St Pauls Avenue. There would be a breach however of the 30 degree rule when considered in relation to the 8 storey part of the development. It should be noted that this breach is also present in the extant scheme, but this relationship was considered acceptable on the basis that the seven storey element would be located 24 metres from the windows in No.75 and 75A and therefore considered to be a sufficient distance away to justify the additional mass. The separation distances would remain the same under this application, however the proposals would be higher than the extant consent. Nevertheless, given the modest increase in height and the retained generous separation distance, it is not considered that the further intrusion of the 30 degree rule would have a materially worse impact on the occupants of this neighbouring property than the extant scheme. The enlarged development has also been supported by a daylight/sunlight assessment which is discussed in greater detail below.

23. SPD 1 also states that in order to ensure adequate privacy a separation distance of 9m should be retained between the overlooking windows and the boundary of the site. There would be no directly overlooking windows to the four storey element closest to this neighbouring property. The amenity space at third floor level would be set in 13m from the boundary with this property which would ensure that no harmful overlooking would occur as a result of the development.

#### 24. *Daylight/Sunlight*

25. Application ref. 17/5291 was refused for the following reason

26. *The proposed development, by reason of its size and siting, would have an unduly detrimental impact on the amenities of the occupiers of the adjoining building, 75 St Pauls Avenue, by way of an unduly detrimental loss of light to the flank wall (living room) window. This is contrary to policy DMP1 of the Brent Local Plan Development Management Policies 2016 and Supplementary Planning Document*

27. In allowing the appeal, the Inspector stated the following

28. *'The small size of the sitting room suggests that it has only a limited function within the flat. Furthermore, I am not satisfied that the impact of the proposed scheme would reduce its usability or the usability of the kitchen to an unacceptable extent, particularly given the comparable situation at Nos 71/73. I also noted that the bedrooms, which would be either unaffected or affected to a very limited degree by the proposed scheme, provide alternative rooms for the occupiers to use.*

29. *The proposal would have a significantly lesser impact upon the corresponding habitable rooms in the upper floor flat, which would not be harmful to the living conditions of their occupiers'*

30. This application has been supported by a daylight/sunlight assessment to demonstrate the impact of the additional storey on neighbouring properties. Rather than provide an assessment of daylight/sunlight on the current use of the site i.e. garage, the assessment provides a comparison between the extant seven storey scheme and the proposed scheme in order to demonstrate any additional harm.

31. In relation to the ground floor flat at 75 St Pauls Avenue the daylight/sunlight report concludes that there would be no material change to the retained daylight and sunlight levels with any losses being de minimis and unnoticeable to the occupants. Furthermore, the majority of windows tested would retain slightly higher, albeit, unnoticeable improvements to VSC over the consented scheme, with the proportion of retained VSC to all windows being between 1-1.1 and therefore demonstrating no greater loss.

32. The situation would be similar for 75A St Pauls Avenue where the proportion of VSC retained would consistently be 1.0.

33. The report also provides an assessment on other surrounding residential properties includes Kingsley Court, Ady's Lawn, Avenue Mansions, 65-73 (Odd) St Pauls Avenue and 28 Park Avenue. When reviewing the results for these properties, the vast majority would experience no greater loss with the VSC retained being between 1.0-1.1. Whilst there are some examples of windows retaining VSC of 0.9 of the value of the consented scheme and therefore a 10% reduction over the consented scheme, in all but one case where the greater losses occur the affected rooms would be served by multiple windows with the others retaining full value.

34. The development would therefore have an acceptable impact on the occupants of neighbouring residential properties in terms of light, privacy and amenity.

## **Heritage and Design**

### *Design, Scale, Massing*

35. As already outlined, there is an extant permission for a seven storey building on site (ref. 17/5291). This application originally sought permission for an eight storeys, but owing to design and amenity concerns, the scheme was amended and this involved the reduction of the building by one storey. However, it should be noted that it was not the scale in isolation that made the initially submitted scheme unacceptable and there were various other amendments made to get it to a position whereby Officers

were willing to recommend approval.

36. In this case the development proposes an additional storey over the consented scheme bringing the total to eight. However, the actual increase would be 1.7m when comparing parapet heights and 1.9m to roof level. Nevertheless, the increase would be far less than a standard storey and when viewed from street level and it is unlikely that the additional height, when compared with that already approved, would result in a building that would be unacceptably dominant or overbearing.
37. Whilst the development would incorporate an additional storey, it would continue to reflect the design intention of the extant scheme, being a modern take on the mansion blocks that can be seen in the area. The proposed scheme would be a part 8, part 4 storey residential building. The four storey element would be of the same scale and massing as the consented scheme to mediate the change in scale and respect the amenity of the adjacent two storey dwellings on St Paul's Avenue. The top floor as before would retain a generous 2m set back which would help to limit its visibility of the proposed eight floor unless from longer views.
38. The enlarged building would remain set back from street level to accommodate front gardens. It would therefore continue to reflect the space that is afforded around existing buildings and would be sympathetic to the character of the area in this respect.
39. The proposed materials palette is to be the same as the already consented scheme with varying coloured brick proposed in order to integrate the development with surrounding buildings. The larger element would consist of lighter brickwork with the four storey element would be red brick reflecting the neighbouring terraces houses. The curved corners and banding detail, influenced by nearby listed building, is also proposed to be retained. A difference between the proposed and consented scheme is the loss of the briese soleil at roof level. Whilst this was considered an attractive feature, the design and appearance of the building is still considered to be acceptable and of a high quality.
40. The Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker has to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possess. This requirement is reflected in DMP 1, 7, Draft Local Plan Policies BP6 and BHC1 and London Plan Policy HC1. A number of comments have been received in relation to the development and its impact on neighbouring Kingsley Court which is a Grade II Listed Building
41. In support of the application a Heritage Statement prepared by Montagu Evans has been submitted. This states that although the resulting development would be two storeys higher than Kingsley Court (although only 3.9m taller which is equivalent to around one storey of a modern residential development) the modest increase in scale over the consented scheme would not reduce the prominence of the Grade II Listed Building which occupies an important corner location nor would the development compete or distract from the asset. Overall the proposed building would not have a significantly greater visual impact within the streetscene and the site's context. When viewed within the setting of the listed building the proposal would not appear overly prominent or too dominant. The design approach and materiality of the proposal is the same as the consented scheme. The proposed development is not considered to result in any harm to the significance of the heritage asset or its setting. As the design approach and materiality of the proposal is the same as the consented scheme, this proposed development is not considered to result in any harm to the significance of the heritage asset or its setting.

## **Quality of accommodation**

### *Internal amenity*

42. DMP18 requires all new residential accommodation to comply with London Plan policy 3.5 minimum standards (now superseded). London Plan Policy D6 now sets out minimum standards for new dwellings. All of the units proposed either meet or exceed minimum internal space standards.
43. All units would be well served by windows offering good levels of light, outlook and ventilation. Due to the arrangement of the building which fronts two roads a large proportion of the units would be single aspect, with the dual aspect units maximised where possible by locating them at the corners of the proposed building. Out of the 86 units 23 would be dual aspect. The extant scheme secured 26 dual aspect units and therefore there would be an overall reduction. However, 12 out of the 15 family units would be dual

aspect meaning single aspect units would predominantly be the smaller units. There are no north facing single aspect units and as such there are no concerns with access to daylight or sunlight due to the orientation. Four of the private floors would exceed the Housing SPG target of 8 homes per floor per core (with 3 x 10 and 1 x 12 homes per core on the respective cores). However, this is not considered to have a significant impact on the quality of accommodation or levels of social cohesion.

44. In order to demonstrate that the units would not be at risk of overheating the application has been accompanied an overheating assessment, with the results showing that the risk of overheating is well within the recommended guidance levels. This is due to several factors and design measures included external shading including overhanging balconies and a mild solar control glass. In addition the use of large windows/doors would allow for rapid purging of the heat during hot weather.
45. Whilst the limited increase in height to accommodate the eighth storey over the consented scheme has been facilitated through the reduction of the floor to ceiling height of the previously consented storeys, the required minimum 2.5m minimum floor to ceiling height is retained.
46. Future occupants would therefore be afforded a good standard of internal accommodation.

#### *External amenity*

47. Policy DMP19 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
48. The DMP19 requirement for external private amenity space established through DMP19 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
49. With regard to quality of the space, the supporting text to policy DMP19 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
50. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the emerging policy.
51. Private amenity space would be provided in the form of gardens for all ground floor units and terraces and balconies for the upper floor units. All of the units would benefit from private external space, with 80 out of the 86 units proposed meeting the requirements of the London Plan Policy D6. Six of the 3b5p units at second to seventh floor (private units) would fall short of the minimum requirement of 8sqm of external space with a provision of 5.8sqm, however all of the units would very oversized internally with minimum space standards requiring 86sqm of internal space with each of the units having a GIA of 97.5sqm of internal space. It should also be noted that this was the case with the extant scheme, albeit there was a smaller number of units affected.
52. In order to supplement the private amenity space, communal amenity space is provided at ground floor level (369 sqm), and at third and fourth floor level in the form of communal terraces (100sqm and 135 sqm). Due to the arrangement of the cores, the communal space at ground floor would be for the use of all residents whereas the terraces at third and fourth floor would only be accessible to the homes accessed via the respective cores. However, it should be noted that this is the same arrangement in the extant consent.
53. The following table sets out the provision of external amenity space having regard to policy DMP19 targets.

Core	Western	Eastern
No. 1- / 2-bedroom homes	59	12
No. 3-bedroom homes	11	4
Amenity space target (DMP19)	1730	440
Shortfall in private amenity space	869	147
Total share of communal roof terrace	235	0
Total share of communal garden	300	69
Adjusted shortfall	334	78

54. The extant consent was considered to provide an appropriate quality and quantity of external amenity space and this is a material consideration when evaluating the current application. There was a shortfall of 159sqm which was considered a minor shortfall relative to DMP 19 target. .
55. As highlighted in the table above the shortfall in external amenity space across the scheme is 412sqm which represents a greater shortfall than the extant consent. However, each new home would have access to a private balcony/roof terrace and each unit would have access to good quality communal amenity space.
56. Consideration must also be given to whether the quality of the amenity space is sufficient for the proposed users. Private balconies and terraces are at least 1.5 m deep in line with Policy D6 and Brent SPD1, and have good outlook. Some detail is provided in relation to the communal spaces which are sufficiently proportioned and appropriately located and the detailed layouts can be secured through condition. It should also be noted that the entrance to Gladstone Park is approximately 660 m from the site, offering a large area of public open space within a walkable distance of the development.
57. Whilst the shortfall is more significant than the extant consent, it is considered that external amenity space provision has been reasonably maximised across the development, utilising all rooftops where possible. Whilst a greater shortfall, the proposed provision is considered sufficient to meet residents needs and it is therefore considered that the shortfall should be accepted given the wider benefits of the scheme.

### *Playspace*

58. As per the GLA playspace calculator, the proposed development has an overall play requirement of 289sqm. The scheme provides 285qm of play on-site, a very minor shortfall of 4sqm against the requirement. In addition, the Site is in close proximity to Gladstone Park, located 650m northwest of the Site. Gladstone Park provides a variety of sports and play equipment, including facilities for children aged over 12 years. This park is within an acceptable walking distance of the Site for older children to access independently in accordance with the Mayor's Play SPG. This approach of older children utilising the nearby park was an arrangement accepted under extant consent

### **Transport**

59. As the site does not have good access to public transport services, the higher residential maximum car parking standards set out in Appendix 1 of the adopted DMP 2016 apply. The proposed redevelopment to provide 86 flats (43 x 1-bed, 28 x 2-bed & 15 x 3-bed) would therefore be allowed 93.5 parking spaces. However, the recently adopted 2021 London Plan would set a lower maximum standard of 68 spaces. The proposed provision of 18 spaces is therefore well within the maximum allowance.
60. Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. In this case, on-street parking along the site frontage is prohibited at all times, whilst the two adjoining streets are also already heavily parked at night. As such, the surrounding area does not have the spare capacity to safely accommodate overspill parking from the development.
61. To address this issue, a parking permit restriction is sought to remove rights of future residents to on-street parking permits, in line with Policy DMP12 which encourages car-free development. This has been acknowledged in the applicant's Transport Statement, with residents to be notified that they will not be entitled to on-street residents parking permits for the area. This is to be secured through a legal

agreement.

62. To help support the low car parking provision, free membership of existing local Car Clubs should also be provided for a minimum term of three years through the S106/Travel Plan. ZipCar currently has vehicles based nearby in Huddlestone Road and St. Paul's Avenue (eastern end).
63. The proposed provision of seven disabled spaces ensures there would be a space for 8% of the flats and if further spaces are required to meet the full London Plan standard, some of the standard width spaces could be widened accordingly. The headroom of 2.6m allows access by high-top conversion vehicles for wheelchair users.
64. At least four of the spaces should also be provided with electric vehicle charging points at the outset, with the remainder having passive provision. This is to be controlled by condition.
65. Vehicular access to the basement is proposed via a single-width ramp with a 90 degree bend. The design will therefore allow only one vehicle to use it in any direction at a time, so a traffic signal and barrier system is proposed on safety grounds. Adequate width (6m) is shown for a distance of 8m to the start of the ramp to allow a car to stand clear of the highway whilst waiting for a car to pass on exit from the car park. As long as default priority is given to cars entering the car park, this arrangement is considered acceptable.
66. The width and gradient of the access ramp meet design standards for a one-way ramp and tracking has been provided to demonstrate that it can cater for access by large cars.
67. The existing crossover to St. Paul's Avenue will need to be repositioned eastwards to suit the new access arrangements. The redundant length of crossover will then also need to be returned to footway with full height kerbs at the developer's expense, as will the redundant crossover onto Park Avenue. The final crossover should therefore measure 6m width rather than the 10.5m shown.
68. Consideration should also be given to providing some further enhancements to the wide area of footway fronting the site, such as benches and planting, to enhance the appearance of the street frontage. A landscaping scheme is required by condition.
69. The current London Plan requires 129 secure long-term bicycle parking spaces and three short-term spaces. Secure storage is shown in the basement for 151 bicycles, which would meet London Plan standards in a secure and sheltered location, with access to the basement provided via both the car park access ramp and a lift.
70. However, the spaces (particularly the 'Sheffield' stands) have been crammed into the space, making many of them inaccessible. An amendment to the layout is therefore sought to provide suitable aisle widths (at least 1m for 'Sheffield' stands) and as the overall space is considered sufficient such details are to be requested by condition.
71. Some larger spaces have been included beneath the access ramp for non-standard bikes (tricycles, cargo-bikes) and these are welcomed, as are the four spaces shown at the front of the building for short-stay parking.
72. In terms of servicing, a bin store is proposed in the basement for a total of 17 Eurobins and 8 wheeled bins, thus providing adequate capacity for these 86 flats. A standing area at the front of the site alongside the vehicle access has then been identified for bins to be left on collection days, with the management company hauling the bins up to the standing area via the basement access ramp using a tug. This will allow easy access by Brent's refuse contractors from the adjoining public highway, without refuse vehicles needing to enter the site.
73. However, the restricted size of the basement store means the bins have been crammed into the store three deep, making many of them inaccessible. Like the bicycle store, this needs to be addressed, so that all bins can be easily accessed. The number of Eurobins can be reduced to 18 with no requirement for wheeled bins, which may provide a little more leeway. As with the cycle storage, further details are requested by condition.
74. The development is otherwise accessed directly from the highway to allow access by the fire service in an emergency. Other short term delivery vehicles (estimated at 1-2 HGV's per day) would be able to pull up temporarily on yellow lines along the wide St. Paul's Avenue kerbside fronting and opposite to the site.

75. The submitted Transport Statement has considered the likely number of trips that would be generated on nearby transport networks, based on comparisons with four similarly sized residential developments in outer London.
76. On this basis, the development is estimated to generate 10 arrivals/41 departures in the morning peak hour (8-9am) and 34 arrivals/24 departures in the evening peak hour (5-6pm) by all modes of transport.
77. Census 2011 data for the area has then been used to establish the likely modal split of these trips, with 18% assumed to be travelling as car drivers. On this basis, the development is estimated to generate 2 arrivals/8 departures in the morning peak hour and 6 arrivals/4 departures in the evening peak hour by car. This level of vehicle movement is not considered likely to have any significant impact on the local road network, with the existing car repair garage currently generating greater numbers of vehicle movements.
78. For other modes, 32 movements in the morning peak hour and 37 movements in the evening peak hour are estimated to be made by public transport. This amounts to less than one additional passenger per bus and tube service passing the site, so is not considered significant enough to cause any concern.
79. Purely pedestrian journeys are estimated at 3-5 journeys in each peak hour, with cyclist movements estimated at 2-3 movements per peak hour. The level of pedestrian facilities fronting the site is good, with pedestrian refuges on Park Avenue and works having been undertaken in recent years to make the junction of Park Avenue, St. Paul's Avenue and Chapter Road more pedestrian friendly by removing the former double mini-roundabout. The site also abuts an existing London cycle network route and quietway.
80. An analysis of the accident record in the area for the five-year period January 2014-February 2019 showed just two slight personal injury accidents in the immediate vicinity of the site, neither of which involved pedestrians or cyclists. As such, there are no concerns with regard to road safety related to this development proposal.
81. Nevertheless, to help to alter the future modal split in favour of non-car modes, a Framework Travel Plan has been submitted. This proposes that a named Travel Plan Co-ordinator will manage a series of measures (supply of travel information, personalised travel planning, management of car parking etc.) to aim to reduce the proportion of car driver trips to and from the site from 19% to 14%, with progress to be monitored using biennial surveys undertaken in line with the TRICS survey methodology.
82. The operation of a full Travel Plan for the site is welcomed, with the number of flats exceeding the threshold set by TfL for a full Travel Plan. However, the Framework Travel Plan is lacking in some key detail and would not therefore pass the test for satisfactoriness set out in TfL's ATTrBuTE programme. For instance, interim travel plan targets for modal shift are not specified and reference has not been made to any remedial measures being identified if targets are not met. No mention is made of measures to support local Car Clubs either and as mentioned above, this should include three years' free membership and driving credits for all future residents. Further details of how the car parking spaces will be managed would also be of use and in this respect, spaces should be leased annually and not sold with the flats in order to retain flexibility in their allocation to respond to changing needs of residents.
83. A revised Travel Plan (based on the Framework submission but addressing the points above) should therefore be secured through a S106 Agreement, with final approval needing to be given prior to occupation of the development.
84. Finally, a Construction Environmental Management Plan has been submitted for the development, which confirms that deliveries to the site will be pre-scheduled and that wheel-washing and road sweeping will be provided to keep the surrounding streets clean.
85. A Construction Logistics Plan will be required as a condition of any approval

## **Ecology**

86. The site is located adjacent to the railway line which is a wildlife corridor and as such DMP8 and The applicant has submitted an ecological report in support of the application. The report has made a number of recommendations concerning bats and nesting birds and the presence of an invasive species (Virginia Creeper) that would need to be removed. It also states that previous comments in relation to reptiles are no longer relevant as since the approval of the previous application all habitat suitable for nesting birds

has been cleared from site.

87. The report has concluded that subject to conditions regarding ecological work that the proposal would be acceptable and would not harm the wildlife corridor.

### **Sustainability**

88. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.
89. The Energy Assessment Addendum submitted sets out how the London Plan energy hierarchy has been applied, using energy efficiency measures and renewable energy. On the basis of the assessment, an on-site reduction in CO2 emissions of 53.28% beyond 2013 Building Regulations compliant development is expected. This exceeds the minimum expectations for onsite carbon dioxide savings as set out in Policy SI2 of the London Plan. The reduction has been achieved through the building fabric measures, CHP and the use of the PV.
90. Revised Energy Assessments would be secured at detailed design and construction stages, together with a financial contribution to Brent's carbon offsetting scheme to achieve zero carbon development (this is predicted to be £84,114, based on the submitted details, however an improved on-site carbon performance would result in a lower level of contribution).
91. Based on the above, the development would make a suitable contribution towards reducing carbon emissions.

### **Flood Risk**

92. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is at low risk of tidal or fluvial flooding however flood risk from surface water has historically been a problem in the area and there are also historical problems with waste water. The existing site has previously been confirmed as being 100% impermeable due to the presence of large amounts of concrete.
93. London Plan Policy SI13 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. As part of application of the consented scheme, a drainage strategy was required by condition. This was submitted and approved under planning application 20/1760.
94. The approved drainage strategy included various measures to reduce and manage flood risk including the use of storage tanks. The approved drainage strategy would mean that surface water would discharge to 5l/s providing a betterment of 95% and therefore result in a significant reduction in flood risk to the overall site and locally within the main system.
95. Having regard to the previously submitted drainage strategy, a condition is proposed requiring the submission of details unless the drainage strategy is implemented in accordance with the information approved under planning application 20/1760.

### **Air Quality**

96. The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by GL Hearn has been submitted considering the potential air quality impacts associated with the proposed construction and future operation of the site. The report shows that construction works would give rise to a low to medium risk to air quality through dust impacts. The report recommends measures to mitigate dust emissions during construction phase and states that the following the implementation of these mitigation measures the impact of the proposed developments construction phase is anticipated to be negligible. It is anticipated that traffic generated by the development would not significantly affect local air quality.
97. The Council's Environmental Health officer concurs with the methodology however has requested further

details in relation to mechanical ventilation and further details mitigation measures to ensure that the Air Quality neutral transport emissions can be achieved. This information was requested under condition 11 of the consented scheme and the details discharged under planning reference. 20/1759. This submission outlined the transport mitigation measures to include electric vehicle charging points, subsidised membership of car clubs, the removal of parking permits, the provision of cycle storage and the submission of a travel plan to minimise car usage and to promote alternative and more sustainable modes of transport.

98. A condition will therefore be attached requiring the submission of this information unless carried out in full accordance with the details submitted under application ref. 20/1759.

### **Contaminated Land**

99. The proposed site has been identified as potentially contaminated and the applicant has submitted a ground investigation report dated September 2020. The report identifies a number of remediation measures that are required for the site before the residential use commences. A full remediation strategy has been developed and approved under application ref. 20/1760. Further details will therefore be requested unless carried out in full compliance with the details already discharged.

### **Noise**

100. The application has been accompanied by a Noise Assessment prepared by GL Hearn. Whilst it acknowledges that there are some marginal exceedances of standards within the proposed external amenity areas the level of noise experienced would be no greater than that in neighbouring properties.

101. In relation to surrounding neighbouring properties the report states that noise from cars accessing the car park is not expected to substantially affect indoor noise levels at existing properties when considered against relevant limits, some neighbours may notice some car parking access activity during the quieter hours of the day or at times when rail, tube or road traffic movements are infrequent

102. The report concludes that the site is suitable for residential development with respect to the control of environmental noise and vibration. Environmental Health Officer's have been consulted on the application and are satisfied with the results of the noise assessment.

### **Equalities**

103. 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 also 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**

104. The proposed development would make more efficient use of land, contributing 86 residential units to the boroughs housing stock, 18.5% of which would be affordable, representing the maximum reasonable amount. The proposal would result in a good standard of accommodation for prospective residents and whilst noting that the scheme does fall short on external amenity space targets set out in Policy DMP19 and draft Policy BH13, external space has been maximised on site and the shortfall would be mitigated through its proximity to Gladstone Park. The proposal would not result in any greater harm to the occupants of neighbouring properties over that already considered acceptable in the extant scheme. The proposal would also make a significant contribution to the streetscape and place making in the area whilst respecting the character, appearance and setting of the neighbouring listed building, with no harm caused to the historic significance or setting of the listed building. The proposal is considered to accord with the development plan when viewed as a whole and the application is therefore recommended approval.

## **CIL DETAILS**

This application is liable to pay **£3,034,089.75** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 458 sq. m.

Total amount of floorspace on completion (G): 8880 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) Dwelling houses	8880		8422	£200.00	£0.00	£2,511,560.71	£0.00
(Mayoral) Dwelling houses	8880		8422	£0.00	£60.00	£0.00	£522,529.04

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£2,511,560.71</b>	<b>£522,529.04</b>

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

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

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

## DRAFT DECISION NOTICE



# Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**DECISION NOTICE – APPROVAL**

Application No: 20/3149

To: Miss Moore  
Healey Development Solutions (Willesden) Ltd  
65 Gresham Street  
London,  
England,  
EC2V 7NQ

I refer to your application dated **30/09/2020** proposing the following:

Demolition of MOT garage and erection of a part eight storey and part four storey building with basement level to provide 86 self-contained flats with ground, third and fourth floor amenity space, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

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

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

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 26/03/2021

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 (2021)  
Draft Local Plan (2020)  
Core Strategy (2010)  
Draft London Plan (2020)  
Brent Development Management Policies (2016)  
SPD 1 - Brent Design Guide (2018)

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of permission 17/5281 (dated 17 December 2019)

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):

2999-ACA-00-B1-DR-A-8030 Rev SK3	Site Plan
2999-ACA-00-B1-DR-A-8031 Rev SK2	Site Survey
2999-ACA-00-B1-DR-A-8050 Rev SK12	Basement Floor Plan
2999-ACA-00-00-DR-A-8051 Rev SK12	Ground Floor Plan
2999-ACA-00-01-DR-A-8052 Rev SK12	First Floor Plan
2999-ACA-00-02-DR-A-8053 Rev SK12	Second Floor Plan
2999-ACA-00-03-DR-A-8054 Rev SK12	Third Floor Plan
2999-ACA-00-04-DR-A-8055 Rev SK12	Fourth Floor Plan
2999-ACA-00-05-DR-A-8056 Rev SK12	Fifth Floor Plan
2999-ACA-00-06-DR-A-8057 Rev SK12	Sixth Floor Plan
2999-ACA-00-07-DR-A-8058 Rev SK11	Seventh Floor Plan
2999-ACA-00-08-DR-A-8059 Rev SK11	Roof Floor Plan
2999-ACA-XX-XX-DR-A-8061 Rev SK14	Elevations Sheet 1
2999-ACA-XX-XX-DR-A-8062 Rev SK12	Elevations Sheet 2
2999-ACA-XX-XX-DR-A-8063 Rev SK12	Elevations Sheet 3
2999-ACA-XX-XX-DR-A-8064 Rev SK12	Elevations Sheet 4
2999-ACA-XX-XX-DR-A-8065 Rev SK12	Elevations Sheet 5
2999-ACA-XX-XX-DR-A-8067 Rev SK4	Sections Sheet 1
2999-ACA-XX-XX-DR-A-8068 Rev SK4	Sections Sheet 2

2999-ACA-XX-XX-DR-A-8069 Rev SK4	Sections Sheet 3
2999-ACA-XX-XX-DR-A-8070 Rev SK4	Sections Sheet 4
2999-ACA-XX-XX-DR-A-8071 Rev SK4	Sections Sheet 5
2999-ACA-XX-XX-DR-A-9092 Rev SK12	Accommodation Schedule Sheet 1
2999-ACA-XX-XX-DR-A-9093 Rev SK14	Accommodation Schedule Sheet 2

Air Quality Assessment Report, September 202 ( GL Hearn)  
 Construction Environmental Plan, 1 September 2020 (P901, HG Construction)  
 Daylight and Sunlight Report, September 16th 2020 (EB7)  
 Ecological Appraisal Addendum, 8 September 2020 (WYG)  
 Energy Report Addendum, September 2020 (Stroma)  
 Flood Risk Assessment and Drainage Strategy, updated September 2020  
 Ground Investigation Report, ref. J17179C dated September 2020  
 Heritage Statement, September 2020 (Montagu Evans)  
 Noise Impact Assessment, 15 September 2020 (GL Hearn)  
 Thermal Comfort Report, 14 September 2020 (Stroma)  
 Planning Statement, September 2020, Avison Young  
 Transport Statement ref. A101362-2, September 2020 (WYG)  
 Framework Residential Travel Plan, September 2020 (WYG)  
 Utility Report, L19022-EDC-RP-001, September 2020 (EDC)  
 Outline Waste Management Strategy, September 2020  
 Viability Appraisal, September 2020 (Redloft)

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

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

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8.

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

- the approved number of car parking spaces as shown on the approved plans which shall include the provision of at least 20% active and 20% passive electric vehicle charging points and at least 8 spaces designed and laid out for disabled parking

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

Reason: To ensure that the development complies with parking and refuse requirements.

- 5 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: In the interest of safeguarding wildlife habitats.

- 6 Unless carried out in accordance with the details already discharged under application ref.

20/1759 prior to the commencement of development further details on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14

- 7 Notwithstanding the approved plans, prior to the occupation of the development further details showing improved accessibility to the basement bin and cycle storage shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development complies with cycle and refuse requirements.

- 8 The development to which this permission relates shall provide 86 self-contained residential units, comprising 43 x 1-bed, 28x 2-bed and 15 x 3-bed, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

Tests shall be carried out prior to first occupation within one room of each built facade type for a living and bedroom area over a four-day period, to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval in writing.

Reason: In the interest of residential amenity.

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

Reason: In the interests of local amenity

- 11 Before any above ground construction work (excluding demolition) is commenced, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

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

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

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

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

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

(e) Details of any balustrade/balcony treatment

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

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

(h) Details for the layout of external spaces including the communal roof terraces and the ground level area, including provision for outside seating / benches and children's play equipment

(i) Details for the provision of on-site bird and bat boxes Appeal Decision

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 standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality

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

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

- 14 Unless carried out with the details already discharged under application ref. 20/1760 no works shall take place until full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface within the site, showing those areas to be treated by means of hard landscape

works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason:

- 15 Prior to the commencement of above ground works further details of the proposed access and gate to the basement car park shall be submitted to and approved in writing by the Local Planning Authority.  
The approved details shall be implemented in full and maintained as such for the lifetime.

Reason: In the interest of highway safety and local amenity

- 16 Unless carried out in accordance with the details already discharged under application ref. 20/1765

(a) Prior to the commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

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

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

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

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

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

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

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

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

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

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 4 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

- 5 The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

- 6 The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before:
- (i) erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway;
  - (ii) depositing a skip; or
  - (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment.

The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

- 7 The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include:
- (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways;
  - (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips);
  - (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order;
  - (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway;
  - (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site;
  - (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

- 8 The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage:
- (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and
  - (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.
- 9 The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should:
- (i) take all necessary measures to avoid creating a dust nuisance during both demolition and

construction works including excavations;  
(ii) not burn any materials on the site;  
(iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel;  
(iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

- 10 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 11 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 12 The applicant is advised to adhere to the principles set out in the Construction Management Plan at all times during construction.
- 13 The applicant is reminded that they are required to submit the development form to [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk) and the Party Wall notification (including a plan of the site) to [PropertyServicesLNW@networkrail.co.uk](mailto:PropertyServicesLNW@networkrail.co.uk)
- 14 The applicant is advised of the following in relation to Thames water:
  1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
  2. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
  3. The applicant is advised to contact Thames Water Developer Services on 0800 0093921 to discuss the details of piling.

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