

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

24 November, 2021  
04  
20/2096

## SITE INFORMATION

RECEIVED	15 July, 2020
WARD	Welsh Harp
PLANNING AREA	
LOCATION	5 Blackbird Hill, London, NW9 8RR
PROPOSAL	Construction of a single building up to 6 storeys to provide 45 residential units (Use Class C3), and flexible commercial/community use floorspace (within Use Class E), car and cycle parking, associated landscaping, highways and infrastructure works, and provision of pedestrian and vehicular access
PLAN NO'S	Refer to 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_150698">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_150698</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 "20/2096" (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 completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. 20% affordable housing (19.8% per habitable room) comprising of 6 affordable rent units at London Affordable rent levels and 3 shared ownership units, together with a late stage review mechanism in the form of an off site contribution to capture any uplift in affordable housing.
4. A parking permit restriction to remove the right of residents to on-street parking permits in any existing Controlled Parking Zone within the vicinity of the site, and any future Controlled Parking Zone that is implemented in the vicinity of the site.
6. Highway Works under a S38/S278 Agreement to include:
  - Construction of a loading bay measuring at least 10m x 3m in the footway fronting the site with an unobstructed footway of at least 2m in width to the rear, including the dedication of land within the site as highway maintainable at public expense;
7. Submission of a Residential Travel Plan and Travel Plan for the ground floor flexible community use, including a drop off/pick up management plan
8. Carbon Off-setting– Pre-construction: submission of revised Energy Assessment to achieve minimum of 35% carbon reduction on site with any shortfall in carbon zero to be secured through a financial contribution to Brent's carbon offsetting scheme. Post-completion: submission of revised Assessment, final financial contribution.
9. £100,000 contribution to highway improvements in the vicinity.
10. Indexation of contributions in line with inflation
11. 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

#### *Compliance*

1. 3 years consent
2. Approved Drawings
3. Number of Units
4. Use of Commercial Unit
5. Accessible Homes
6. Communal Television Aerial and Satellite Dish System
7. NRMN

8. Approved Parking, Refuse Storage and Cycle Storage
9. Water Consumption
10. C4 small HMO restriction
11. Bin Store Doors
12. Twenty percent car spaces shall be active EVCP spaces
13. Obscure Glazing

*Pre-commencement*

14. Construction Method Statement
15. Construction Logistics Plan
16. Fire Strategy
17. Tree Supervision Details
18. Written Scheme Investigation
19. Thames Water: Piling Method Statement

*Post-commencement*

20. Land Contamination study, remediation works and verification report
21. Surface Water Run-Off Mitigation Measures
22. External Materials
23. Hard and Soft Landscaping details

*Pre-occupation or use*

24. External Lighting
25. Car Park Management Plan
26. Delivery and Servicing Plan
27. Noise Impact Assessment Mitigation Measures Details
28. Air Quality Assessment Mitigation Measures Details
29. Sound Insulation Measures
30. Plant Noise

Informatives

1. Building Adjacent to Boundary
2. CIL Liability
3. Party Wall Act
4. London Living Wage
5. Fire Safety Standards
6. Quality of Imported Soil
7. Thames Water Details
8. Groundwater Risk Management Permit

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.

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

**SITE MAP**

	<b>Brent</b>	<b>Planning Committee Map</b>
Site address: 5 Blackbird Hill, London, NW9 8RR		
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This map is indicative only.

## **PROPOSAL IN DETAIL**

The application is seeking planning permission to re-develop the subject site by introducing a new mixed used development comprising of 45 residential units with a flexible community use (Class E (e) and (f)/Class F2 (b)/ use) occupying the ground floor. The main portions of the proposed new build would be six storeys while eventually dropping to three stories to the rear. The upper floors would facilitate residential units comprising of 3 x studios, 21 x 1 beds, 10 x 2 beds and 11 x 3 beds.

The ground floor elements of the proposed building would also include bin storage, cycle storage and associated plant space. The central element of the building at ground floor level would facilitate the main entrance lobby to the building. As part of the amendments, the residential entrance has been separated from the entrance to the flexible commercial/community unit (laid out on the plans as a nursery) to distinguish between both uses.

Communal amenity space would be provided to the rear of the site. Furthermore additional communal space would be provided to the western side of the site and a separate area allocated for any potential nursery use. An area would also be allocated to the rear communal space for children play space.

A widened vehicular access to the site is proposed in a similar location to the current access from the highway. This access would lead to a set-back gated access that would provide an entrance for vehicles to enter the car park located on the ground floor. A total of 29 car parking spaces is proposed and two of these spaces would be allocated for blue badge holders. Parking spaces 1 and 2 would be allocated for the flexible community use. In addition to this, 20% of the spaces would have active charging facilities.

The proposal would include a new lay-by to the front of the site off Blackbird Hill for servicing purposes. Soft landscaping is proposed along the side boundaries. The roof would include photovoltaic panels and air source heat pumps to serve the building.

### **Amendments to the proposal**

Amendments were provided during the course of the application to reduce the overall scale of the development.

The changes are summarised as follows:

- Reduction in the number of residential units from 57 to 45.
- The rear portion of the original scheme has been reduced.
- Introduction of additional separation distances with boundaries.
- Oriel windows added to the windows of the 3 bedroom units sited at the south western corner of the development at the first, second, third and fourth floor plans.
- Number of car parking spaces reduced from 36 spaces to 29 spaces.
- Introduction of a larger communal garden and removal communal terrace.
- Reduction in commercial space on the ground floor
- Alterations to fenestration on the ground floor front elevation.
- Width of loading bay has been increased to 3m and the width of the entrance to the car park has been increased to 4.7m in width.
- Floor plans modified to provide additional to space to bedrooms linked to units A.1.1, A.2.1, A.3.1 and A.4.1.
- Floor plans altered to consider targets for internal storage as required by policy D6 of London Plan 2021.

## **EXISTING**

The application site comprises of a vacant site along Blackbird Hill which previously occupied the former Gower House School, the buildings of which were demolished around 2019. Land levels vary across the site with the land falling from west to east.

To the west of the site are the garages associated with Accadia Court. Accadia Court is four storeys high. The east of the site contains Claygate Court which varies in height from three to five storeys with a sixth storey set back.

The eastern and north eastern portion of the site is situated adjacent to the St. Andrews Conservation Area (a designated heritage asset). The application site does not contain any listed buildings. The site lies within an Air Quality Management Area.

Within the emerging draft Local Plan the site is designated as a site allocation and also lies within an intensification corridor, which runs along both sides of Blackbird Hill and Forty Lane.

## **SUMMARY OF KEY ISSUES**

### **Summary of Key Issues**

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

#### **Representations received:**

Objections were received from 10 individual addresses and three petitions were received objecting to the proposal. A summary of the objections have been provided within the consultation section of the report.

#### **Principle of Development**

The proposal is for a residential-led development with a flexible ground floor commercial/community use that would be restricted to Use Class E (e) (medical or health services), (f) (crèche, day nursery or day centre) and Class F2(b) (community hall or meeting place). This would meet the site allocation within the Draft Local Plan. The proposed ground floor would provide good active frontage along this part of Blackbird Hill. The development would contribute towards the Borough's housing targets. Overall, there is no principle objection to the development.

#### **Affordable Housing and Housing Mix:**

The proposal would result in nine Affordable Homes with six of the home at London Affordable Rent and three Intermediate homes accounting to 20% by unit or 19.8% per habitable room window. This would result in an almost policy compliant tenure split at 67% London Affordable Rent and 33% Intermediate (shared ownership). The proposed affordable housing contribution is considered the maximum reasonable amount the proposed development can offer and has been supported by the Financial Viability Appraisal which has been robustly reviewed by consultants acting on behalf of the Council. This is discussed within the main body of the report.

The development would provide 24.4% three bedroom units throughout the overall scheme, which falls marginally short of the 25% target of adopted Policy CP2, it would accord with emerging Policy BH6 which specifies that 1 in every 4 new homes proposed should be family sized.

#### **Design, Scale and Appearance**

The maximum height of the proposed development at 6 storeys eventually dropping to 3 storeys to the rear of the site is considered acceptable. The new build would allow for an acceptable transition and relationship when factoring into account the more traditional residential properties surrounding the rear parts of the site. The maximum height facing Blackbird Hill has capacity to accommodate the new build at this scale would be suitable given the nature existing built form along this section of Blackbird Hill and the site's relationship within the proposed intensification corridor. The proposal would contain high quality finishes to the façade with the introduction of a wide range of materials adding variety to the overall design concept. The proposal would introduce active frontage at ground floor level with a modified footway to accommodate a loading bay

outside the site. The overall design approach is considered to be of a high standard.

**Impact on Residential Amenity**

The development would allow for sufficient separation distances with neighbouring properties surrounding the rear of the application site. The siting of the development would allow for adequate levels of privacy for neighbouring properties. Impacts on daylight and sunlight to neighbouring properties, and overshadowing to neighbouring external amenity spaces, have been assessed and considered acceptable when considering the site locations.

**Residential Living Standards**

The proposed homes would meet the London Plan floorspace requirements. No homes would have a north facing single aspect. The Daylight and Sunlight Report highlights that all units would provide satisfactory levels of light and overall arrangement of each unit would allow for acceptable outlook. Whilst the amount of external amenity space on site does fall very slightly short of the requirements set out in DMP19, the level amenity space provided is satisfactory given the proximity to the nearby open space

**Transport Considerations:**

A total of 29 car parking spaces is proposed (27 for the residential homes and 2 for the flexible community/commercial unit. The level of car parking is within maximum parking standards. Servicing and refuse collection would take place via loading bay to the front of the site. Satisfactory levels of cycle parking are proposed to London Plan. S278 works would be agreed via S106 agreement regarding the works to the front of the site together with an off site contribution of £100,000 towards highway improvement works within the vicinity of the site. A Travel Plan has also been requested as part of S106 Heads of Terms.

**Environmental Health Considerations**

Conditions to be secured ensuring appropriate safeguards in terms of noise and vibration, air quality, noise, contaminated land and the construction process.

**Sustainability and Energy**

The Energy Statement demonstrates that the development would achieve a total of 14% reduction in CO2 via the Be Lean fabric first approach and the development would achieve an overall 66% reduction in CO2 using an Air Source Heat Pump system and Photo Voltaic panels. A carbon off-set payment would be secured to meet London Plan "Zero Carbon" requirements for major residential scheme.

**Flood Risk and Drainage**

The site is located in a Flood Zone 1 area and therefore has a low risk level of any potential flooding. The development would not result in additional surface water run off from the site. Mitigation measures to manage surface water drainage have been reviewed and a condition has been recommended requesting the final details of the finalised mitigation measures. Thames Water raised no objections to the scheme.

**Trees and Landscaping**

No trees are to be removed on site and the proposal would result in nine new trees which are to be finalised as part of any landscaping planning condition. No significant harm has been identified within the Arboricultural Impact Assessment submitted with the application. A detailed arboricultural method statement and tree protection plan is required and this information would be required via the recommended condition.

**MONITORING**

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

**Floorspace Breakdown**

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Non-residential institutions	0		0	104	104

## Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats ú Market )										
EXISTING ( Affordable Rent Flat )										
EXISTING ( Flats ú Intermediate )										
PROPOSED ( Flats ú Market )	18	8	10							36
PROPOSED ( Affordable Rent Flat )	3	2	1							6
PROPOSED ( Flats ú Intermediate )	3									3

## RELEVANT SITE HISTORY

### Relevant Planning History

**18/1482** - Prior notification for demolition of all redundant buildings associated with the previous school facilities including temporary sheds, cabins and shelters (Total built foot print associated with proposed demolition is 763 square metres) – **Raised No Objections – 24/05/2018**

**18/3263** - Erection of an eight-storey residential block comprising 52 self-contained flats (36 x 1-bed, 15 x 2-bed and 1 x 3-bed) and 5 two-storey dwelling houses (5 x 3-bed) with communal recreation space, ground floor plant room, provision of car and cycle parking and associated landscaping – **Withdrawn, 08/02/2019**

**19/2524** - Creation of 53 residential units involving the construction of a 7-storey residential block comprising 44 self-contained flats (28 x 1-bed, 9 x 2-bed and 7 x 3-bed) and a 3-storey block comprising 9 self-contained flats (5 x 3-bed, 2 x 1-bed and 2 x studios). Works include provision of a communal recreation space, ground floor plant room, provision of car and cycle parking and associated landscaping – **Withdrawn, 08/10/2019**

## CONSULTATIONS

### Public Consultation

The application was originally consulted upon on 21/07/2020 with letters being sent to 107 addresses.

Amended drawings were provided during the course of the application that proposed a number of changes to the scheme (as set out within the summary of amendments section of this report). Re-consultation was carried out on 12/08/2021 to 118 neighbouring addresses, including the 107 originally consulted and additional addresses where comments have been received in response to the first consultation.

A site notice was posted on 02/09/2020 and a further site notice posted on 12/08/2021 due to the re-consultation as noted above.

A press notice was published on 30/07/2020 and also published again on 19/08/2021 due to the re-consultation as noted above.

In total following both rounds of consultation, objections were received from 10 individual addresses, and three petitions objecting to the scheme were received containing 45, 54 and 76 signatures. One neutral comment was also received.

A summary of the objections are set out below:

Comment	Officer's Response

<b>Design</b>	
Proposal would result in overcrowding.	<p>Policy D3 of London Plan requires developments to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations.</p> <p>The scheme has been designed to provide good quality internal accommodation and external amenity space for the new homes as discussed within the remarks section below.</p>
Building should be set back further into the site to allow for a wider pavement in the event that works are carried out on the road/pavement.	The building line of the new building is considered appropriate in relation to its context. A 2m wide pavement would be provided between the building and inset loading bay which is considered of acceptable width. This footway will be adopted by the Council.
Area open in character and the proposal would detrimental impact on the suburban character of the area.	The design of the building and its relationship to the St Andrew's Conservation Area has been discussed within paragraphs 27 to 53 below.
The proposed design has little relationship to any of the buildings facing the main road.	As noted above, the building has been considered in the context of existing buildings/topography on Blackbird, and also in the context of the emerging Local Plan which designated Blackbird Hill as an intensification corridor. This is discussed within paragraphs 28 to 33 below.
Building too tall for the locality. Scale and massing inappropriate including the lower four storey element towards the rear of the site.	Refer to paragraphs 28-33.
Proposal would set a precedent for other developers.	Each application is required to be assessed on its individual merits based on planning policies and guidance. As discussed within the remarks section below, the site is allocated as a site allocation for development and also within an intensification corridor within the emerging Local Plan. Both of these designations are areas where new housing is encouraged.
Loss of view.	Loss of a view is not a material planning consideration. However, the impact of the proposal within St Andrew's Conservation Area and the listed buildings within the conservation area have been discussed within paragraphs 44 to 53 below.

<b>Heritage considerations</b>	
<p>The overall scale would have a detrimental impact on the Conservation Area and views to the spire of St Andrew's Church.</p> <p>Buildings of up to 6 storeys high adjoining the St Andrew's Conservation Area is excessively high and not in accordance with the emerging Local Plan.</p>	<p>This has been discussed within paragraphs 44 to 53 below.</p> <p>The height of the proposal in relation to its context is discussed within paragraphs 28 to 33 below.</p>
<b>Standard of Accommodation</b>	
<p>The London Plan floorspace standards have not been met.</p>	<p>An assessment of the internal space standards has been carried out and discussed within paragraphs 88 to 90 below.</p>
<p>The level of amenity space provided is not satisfactory.</p>	<p>An assessment of external amenity space has been carried out and discussed within paragraphs 95 to 100 below.</p>
<p>The proposal has not taken into consideration wheelchair users.</p>	<p>The scheme would include 4 units designed to Building regulations M4(3) 'wheel chair accessible homes standards', with the remainder of the homes designed to M4 (2) 'accessible and adaptable dwellings' standards.</p> <p>This is discussed within paragraphs 92 to 93 below.</p>
<p>Amenity space provided for nursery is not sufficient and located close to the road.</p>	<p>The air quality report submitted with the application has considered the levels of exposure from pollutants in relation to the various uses within the site including the nursery and its outdoor play space. This concluded that the site would not be subject to harmful levels of exposure from pollutants. Air quality considerations are discussed in further detail within paragraphs 141 to 146.</p>
<p>Poor levels of outlook for future occupiers.</p>	<p>Outlook considerations for the new homes is discussed within paragraph 91.</p>

<b>Transport and Highway Considerations</b>	
Proposal would increase traffic on an already busy road.	The trip generation associated with the development has been considered and discussed within paragraph 110 below.
Access to the site via vehicle would be difficult and create highway safety problems, with vehicles crossing over two lanes of Blackbird Hill.	A road safety audit has been undertaken in relation to the new vehicular access to the site, which has been reviewed by the transportation officer. This is discussed within paragraphs 111 to 114 below.
Blackbird Hill already has a high accident record including a number of fatalities.	As noted above, the impact of the scheme in terms of the vehicle access, lay by and trip generation associated with the development has been considered by transportation officer, and not considered to result in highway safety issues. Furthermore, wider improvements to pedestrian and cycle safety have been considered with the scheme contributing with a financial contribution towards wider highway improvement works within the locality.
There is a lack of onsite parking space for cars and vans within the development, with no additional provisions for visitor, deliveries. The proposal would result in an overspill of parking to nearby streets that already suffers pressures from pressures from on street parking. This in turn has resulted in illegal illegal/unauthorised parking obstructing existing access (especially on Wembley Event Days) and this proposals would make the situation worse.	The amount of car parking on site for the development is considered acceptable and not result in overspill parking onto the surrounding road network. This is discussed further within paragraphs 103 to 108 and 119 to 121 below.  Occupiers of the new development would also be prevented from applying for parking permits for existing or future CPZs within the vicinity of the site.
The proposals to remove guardrails from the pavements also exposes pedestrians to increased danger from cars swaying from the main road and also makes it difficult for parents to allow young children to walk on the pavements without fears of wandering to the roads.	The scheme proposes a new footpath behind the inset loading bay. The transportation officer does not consider that the removal of these guard rails would result in safety concerns. The footway alterations would result in the re-positioning of the pathway, resulting in elements of the path positioned away from the highway edge.
The layby is not wide enough.	Transport Officer was satisfied with the loading proposed to the front of the site.

Layby would create a strong probability of delivery vehicles closing off lane through illegal parking.	The loading bay is an inset bay set off the carriageway. A delivery and servicing plan is to be secured by condition to manage the use of the layby.
Access into and out of the site too narrow.	Consideration of the new vehicle access and access into/out of the site is discussed within paragraph 111.
Lack of a safe waiting area for vehicles to stand when accessing through the gates of the car park.	This is also discussed within paragraph 111 below.
Developers allowing for illegal parking on site	This matter is not related to the proposed development. Any breach of planning in relation to the existing site would need to be reported to planning enforcement for further consideration.
Lack of electric vehicle charging points.	Electric vehicle charges points are proposed. This is discussed within paragraph 105 below.
<b>Impact on Residential Amenities</b>	
Loss of outlook and daylight/ sunlight to neighbouring properties. Scheme would overshadow neighbouring properties.	The impact on neighbouring properties in relation to outlook and daylight/sunlight and overshadowing has been considered. This is set out within paragraphs 60 to 82.
Lack of screening provided.	All of the residential homes are located at first floor level and above. The distances to neighbouring boundaries and rear habitable room windows has been considered and discussed within paragraphs 55 to 59 below. A condition on screening to balconies is also recommended.
The positioning of the proposed parking spaces would result in pollution to the nearby residential units.	The air quality assessment has considered the operational requirements of the scheme and its associated car parking. This has concluded that the scheme would result in harmful levels of exposure to neighbouring properties as discussed within paragraph 143 below. Furthermore, the boundary treatments would provide additional screening.
It is feared there will be considerable light	Details of lighting and lighting strategy have been requested as a condition which will

pollution due to security perimeter lighting.	include details of light spill in order to ensure that harmful levels do not occur.
Overlooking and loss of privacy to neighbouring properties.	Refer to paragraphs 55-59.
The fence is at the edge of 5 Daisy Close's kitchen.	This is a current relationship on site and based on the information provided the boundary fence would measure 2m in height. This is a common relationship within a residential area such as Daisy Close, with boundary treatments not fronting a highway permitted up to 2m in height/height as existing if higher than 2m, under permitted development.
The Sunlight and daylight Report failed to mention the impact on 31 Tudor Gardens. Not all windows pass the 25 degree rule.	The daylight and sunlight has considered the impacts on Tudor Gardens Care Home as highlighted within paragraph 72 below.
The use of 30 and 45 degree lines as set out in SPD1 should be applied in this case as the former existing school buildings towards the rear of the site were only one storey. Furthermore, plans are misleading and the proposal does not comply with 45 degree line.	The 30 and 45 degree lines as set out in SPD1 have been applied. This is discussed within paragraphs 60 to 66 below.
<b>Other matters</b>	
Increase the burden on local services such as medical, transport and roads, schools.	<p>To accompany the new Local Plan, an Infrastructure Delivery Plan has been prepared to identify infrastructure needs across the Borough to accommodate the projected growth. This sets out how infrastructure will be secured including the use of Section 106 contributions and Community Infrastructure Levy.</p> <p>In this case, the site is an allocated site within the emerging Local Plan, which requires a commercial/community use to be re-provided. This has been proposed and the uses of the ground floor restricted by condition to meet the uses set out within the site allocation.</p>
The proposal would result in the increase of noise and disturbance.	The level of noise from the proposed development is not considered likely to be detrimental to the surrounding neighbouring properties given the nature of the proposed uses and furthermore Blackbird Hill comprises

<p>No assessment has been undertaken in relation to noise nuisance caused by the air source heat pump fan and compressor.</p>	<p>of a range of mix uses.</p> <p>Conditions would be secured in relation to noise associated with plant equipment.</p>
<p>There has been no engagement or consultations with the local residents or community about this development.</p>	<p>The Planning Statement submitted with the application identifies that consultation with local community was held remotely via post and online. A leaflet was issued to 229 local addresses with details of the scheme and website address for further information.</p>
<p>Dense populated communities have associated problems as increase amount of crime, noise pollution, increase wastage that has increase amount of smell that in turn is associated with disease.</p>	<p>It is not considered that the proposal would result in harmful noise and smells. The proposed ground floor plan outlines areas for refuge storage which has sufficient capacity for the number of homes proposed.</p> <p>The site would provide active frontages and increase activity along this part of Blackbird Hill. There is no evidence to suggest that it would result in an increase in crime.</p>
<p>The replacement community floorspace is inadequate. The site is not suitable for a nursery and supporting documents refer to a class E use.</p>	<p>The ground floor proposes a flexible commercial/community use with the plans indicating its use as a nursery. The use of the ground floor is in accordance with the site allocation as set out within the emerging Local Plan. This is discussed in further detail within paragraphs 7-14 below.</p>
<p>Bin location storage is within close proximity to the D1 use.</p>	<p>The bin store would be sited away from the entrance of the ground floor unit and would be enclosed in a separate area. This relationship is considered satisfactory.</p>
<p>Not enough family sized homes, especially within the affordable tenure.</p>	<p>The scheme proposes 11 family sized units. This is discussed within paragraphs 23-26.</p>
<p>Concerns raised regarding the use of the Air Source Heat Pumps. No regard for the environment – particularly carbon reduction and quality of air.</p>	<p>The scheme proposes a reduction in carbon emissions by 66%. As noted within the air quality report, no mitigation measures are required and the scheme is air quality neutral.</p>
<p>Schemes relies on openable windows to reduce overheating but the site is close to a busy road and therefore there are issues with</p>	<p>The air quality report concludes that the scheme would not be exposed to harmful levels of pollutants as discussed within paragraph 142</p>

<p>air pollution, and crime within the area.</p>	<p>below.</p> <p>The residential windows are at upper floor levels, and it is therefore not considered that they would be at any greater risk of crime compared to other residential properties.</p>
<p>Loss of trees that provide a visual screen of the site and assist in cleaning the air. The loss of the trees would result in a loss of wildlife including bats.</p>	<p>The proposed development would not result in the removal of any trees on site.</p> <p>The scheme proposes new tree planting and soft landscaping to enhance the biodiversity of the site.</p>
<p>Difficulties for fire brigade to access houses along Old Church Lane due to parking on both sides of the street. Additional cars would make the situation worse.</p>	<p>Consideration of overspill parking from this development has been considered, and it is considered that the amount of parking on site is sufficient to not result in overspill parking onto the surrounding road network. Therefore it is not considered that the development would result in any additional access problems within Old Church Lane. If any issues already exist, the matter should be reported to the Council's Highways and Infrastructure Team to review.</p>
<p>Area is liable to flooding and drainage problems including an existing severe sewage problem, and therefore the drainage and flooding reports should be disregarded.</p>	<p>The site does not lie within a flood zone, and would therefore have little risk of flooding. Nevertheless, all major planning applications are required to submit a sustainable drainage strategy to reduce surface water run off within the site. This has been undertaken and discussed within paragraphs 149 to 150 below. In addition Thames Water has been consulted and raised no objections in relation to surface water or sewer capacity.</p>
<p>Affordable housing are on the same 1st floor and have an isolated entrance.</p>	<p>This is required for management arrangements.</p>
<p>Pre - existing trees on site have been removed on site.</p>	<p>It is noted that pre-existing trees have been removed. This is discussed within paragraph 131 below.</p>
<p>Bat Assessment was not submitted.</p>	<p>Given the nature and location of the site , which is vacant with limited vegetation within the site and located next to a busy road, it is unlikely that the site could accommodate bats and a bat assessment was therefore not required. Nevertheless, bats are a protected species and in the event that bats are present, they are also protected under separate legislation.</p>

No regard for the environment particularly carbon reduction and quality of air.	Carbon reduction emissions and sustainability matters relating to the site is discussed within paragraphs 133 to 137. The scheme would be air quality neutral as discussed within paragraph 143 below.
Developer paid excessive amount to purchase the site and therefore seeking to maximise the amount of development.	The cost that the developer paid to purchase the site is not a material consideration when considering the viability of the scheme or its benchmark land value.
Security dogs within the site constantly barking and affecting the mental wellbeing of neighbours.	Noise nuisance from security doors would need to be reported to the nuisance team within environmental health.
Land levels not correctly shown.	Land levels are discussed within paragraphs 34 and 35 below. The landscape condition would secure further details of levels within the site and boundary treatments including their heights.

### Internal Consultation

Environmental Health Officer – No objections – detailed conditions requested as discussed within the report.

Noise Team – The officer raised no objections. Additional information requested via conditions discussed with the report.

### External Consultation

Thames Water – No objection to the proposal. A Piling and Method Statement was requested via a planning condition. An informative regarding a Groundwater Risk Management Permit has been requested. No objections were raised in connection to surface water discharge.

Historic England – Confirm that they had no comments to make in relation to designated heritage assets (i.e. conservation areas or listed buildings). The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site is not within an archaeology priority area and is likely to have been previously disturbed. No further assessment or conditions are therefore necessary.

### Applicant's Public Consultation

A leaflet was issued to 229 local properties with details of the scheme and it also included a website address for further information. The applicant has outlined that the website included details of the emerging scheme outlining the concept, key aspirations and seeking feedback on specific questions. Three responses were received; one raising a query of type of affordable housing and criteria to apply; two raising concerns of lack of social infrastructure capacity and traffic generation, and no key benefits.

The applicant has outlined that google analytics were utilised to track and report the usage of the website. This data indicated that more people viewed the proposal on the website. It has been identified that during the course of the official two-week consultation the page was viewed a 104 times.

The feedback highlighted the following issues:

- Ability of existing facilities, including schools and dentists, to cope with the additional residents.
- Concerns raised in relation to traffic

- Maintaining the conservation status at the Welsh Harp.
- Lack of benefit to the area.

## **POLICY CONSIDERATIONS**

Determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2021, Brent Core Strategy 2010 and Brent Development Management Policies 2016.

### **London Plan 2021:**

- GG1: Building Strong and inclusive communities
- GG2: Making the best use of land
- GG3: Creating a healthy city
- GG4: Delivering the homes Londoners need
- GG6: Increasing efficiency and resilience
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D12 – Fire Safety
- D14 – Noise
- H1 - Increasing housing supply
- H4 - Delivering affordable housing
- H5 - Threshold approach to applications
- H6 – Affordable housing tenure
- H7 - Monitoring of affordable housing
- S1: Developing London's social infrastructure
- S4: Play and informal recreation
- HC1 Heritage conservation and growth
- G5 Urban greening
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI4: Managing heat risk
- SI5: Water infrastructure
- SI 13 Sustainable drainage

T1: Strategic approach to transport  
T2: Healthy streets  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
Policy T7 Deliveries, servicing and construction

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

CP1: Spatial Development Strategy  
CP2: Population and Housing Growth  
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP21: A Balanced Housing Stock  
CP23: Protection of existing and provision of new community and cultural facilities

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

DMP1: Development Management General Policy  
DMP 7: Brent's Heritage Assets  
DMP 9 B: On Site Water Management and Surface Water Attenuation  
DMP 11: Forming an Access on to a Road  
DMP12: Parking  
DMP 13: Movement of Goods and Materials  
DMP 15: Affordable Housing  
DMP 19: Residential Amenity Space

### **Emerging Policy Context**

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

#### **Key policies include:**

DMP1 – Development Management General Policy  
BP2 – East  
BESA3 – 5 Blackbird Hill Site Allocation  
BD1 – Leading the way in good design

BD2 – Tall Buildings  
BH1 – Increasing Housing Supply in Brent  
BH2 – Priority Areas for Additional Housing Provision within Brent  
BH5 - Affordable Housing  
BH6 - Housing Size Mix  
BH13 – Residential Amenity Space  
BSI1 – Social Infrastructure & Community Facilities  
BHC1 – Brent’s Heritage Assets  
BGI1 – Green and Blue Infrastructure in Brent  
BGI2 – Trees and Woodland  
BSUI1 Creating a Resilient and Efficient Brent  
BSUI2 – Air Quality  
BSUI4 - On-Site Water Management and surface water Attenuation  
BT1 – Sustainable Travel Choice  
BT2 – Parking and Car Free Development  
BT3 – Freight and Servicing  
BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

National Planning Policy Framework 2021  
Brent Waste Planning Guide 2013  
Brent’s Design Guide – Supplementary Planning Document 1 2018  
Brent's S106 Planning Obligations SPD  
Mayor of London's Play and Informal Recreation SPG 2012  
Mayor of London's Sustainable Design and Construction SPG 2014  
Mayor of London's Affordable Housing and Viability SPG 2017

## **DETAILED CONSIDERATIONS**

### **Principal**

#### Background

1. The application site previously occupied Gower House School, a former independent nursery and primary school, that closed in July 2016. The existing buildings on site have been demolished in 2019 following prior notification for the demolition of all pre-existing buildings being obtained in May 2018 (LPA Ref: 18/1482). The site is currently vacant with hoardings around the site.

#### Residential Development

2. The National Planning Policy Framework emphasises the provision of new homes as one of the key roles of the planning system, and this is reflected in the housing targets set out in Core Strategy Policy CP2, which aims to deliver 22,000 new homes over the 2007-2026 period. The London Plan proposes a substantial increase in housing targets across London, including a target for Brent of

up to 2,325 new homes per year. Policy BH1 of Brent's Draft Local Plan also reflects the London Plan target.

3. Policy BH2 of Brent's Draft Local Plan sets out priority areas for additional housing within the Borough. This states that in addition to the Growth Areas and Site Allocations identified in the Plan, town centres, edge of town centre sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where the provision of additional homes will be supported.
4. Brent's draft Local Plan responds to these targets by proposing plan-led growth and site-specific allocations concentrated adjacent to a number of Growth Areas.
5. The application site is identified as an allocated site within Draft Local Plan (site allocation BESA3). The allocated uses include a mixed use development including medical or health service, crèche nursery or day centre, learning and non-residential institutions or local community use and residential use. The indicative number of homes for the site is 57. It also lies within an intensification corridor proposed as part of the draft Local Plan.
6. The provision of 45 new residential homes within the site is considered to be acceptable in principle as it would make efficient use of a brownfield site, and be in accordance with the objectives of policy BH2 and site allocation BESA3 of the draft Local Plan.

#### Community Use

7. Even though the former school closed in 2016 and the site has been vacant since 2019 (following the demolition of the former buildings on site), the site allocation within the emerging Local Plan for this site seeks to secure an element of community uses within the site to form part of a mixed use residential led scheme. The site allocation does not specify the need for the replacement community use to be a nursery or primary school but sets out a wider range of community uses including medical or health service, crèche nursery or day centre, learning and non-residential institutions or local community use .
8. The proposal is seeking to incorporate a nursery use on the ground floor (use Class E(f)/former D1 use class) measuring approximately 104sqm. The applicant has requested flexibility to the proposed use to include use class E (e) (for the provision of medical or health services, principally to visiting members of the public) and Class E (f) (crèche, day nursery or day centre) and Class F2 (b) (a hall or meeting place for the principal use of the local community), which would also comply with the former D1 use.
9. The application has been accompanied with an Audit of Local Facilities included as part of the original planning statement submitted with the application. The Audit findings demonstrate that there is a significant amount of existing community facilities in the local area. The flexible nature of use therefore will not restrict potential occupants of the space at application stage, and allow a number of service providers to operate, in the event an occupier is found (e.g. nursery, health, education).
10. The desk-top study revealed community uses in the surrounding area within 20 minutes walking distance from the application site. The findings illustrate a wide range of social infrastructure available within wider vicinity of the application site.
11. The findings of the audit are detailed in the table below:

<b>Community Facility</b>	<b>Number</b>
Early Years	6
Education	10
Healthcare	16

Places of Worship	13
Library	1
Community Meeting Space	6
Specialist Housing	8
Sports and Leisure	56

12. The research provided by the applicant reveals there is significant proportion and range of community uses within the vicinity of the application site . However, it should also be noted that the catchment area covers parts of the Wembley Growth Area, where a significant amount of development (including a large number of new homes) is anticipated. It is noted that the level of community use space provided is lower than the pre-existing use however this is anticipated given that the site is also allocated for residential development. Therefore given that the proposal would re-provide a community space that would support the wider area while providing new homes to the Borough, the proposed floorspace would be considered acceptable, and meet the objectives of the site allocation.
13. The internal floor area has been set out within the plans to demonstrate how it could be laid out for a nursery including a quiet room, kitchen, office, staff/disabled WC, children's WCs and a nappy changing area. However, the internal walls could be altered to allow for a more flexible layout to accommodate the wider community uses noted above.
14. Overall, the proposed replacement community space would be considered a the suitable provision of on-site community space and would be in accordance with the requirements of the site allocation set out within the Draft Local Plan.

## **Affordable Housing**

### **Policy Background**

15. 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 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). As such, it does not require all schemes to deliver 50% Affordable Housing.
16. 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.
17. The London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and that the following split of affordable housing provision is applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need. 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 also marries up with the London Plan Policy H6, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.

18. Brent's draft Local Plan has yet been fully adopted (but has been to examination and out to consultation on the proposed modifications following the Inspector report, and therefore carries significant weight).. The overall 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 (upto 80% Market Rent)	30% Intermediate	
London Plan	Adopted	Maximum reasonable proportion	30% Social/London Affordable Rent	30% Intermediate	40% determined by Borough
Emerging Local Plan	Greater Weight	Maximum reasonable proportion	70% Social/London Affordable Rent	30% Intermediate	

19. The proposal would provide the following mix of units:

	Studio	1 bed	2 bed	3 bed	Total
London Affordable Rented units		3	2	1	6
Shared Ownership units		3			3
Market Units	3	15	8	10	36
Total Units	3	21	10	11	45

20. Given that the level of affordable housing is under 50% target set out in policy DMP15 and below 35% threshold as set out within the London Plan and emerging Local Plan to qualify for fast track, a financial viability appraisal (FVA) was submitted with the application.
21. The original financial viability appraisal (FVA) that was submitted with the application was on the basis of 57 residential homes. Within the original FVA the scheme included 8 no. London Affordable Rented homes and 4 no. Shared ownership homes (a total 12 of 57 homes proposed within the scheme). This accounted for 21% units or 22% by habitable room with a tenure split of 66:33 weighted towards London Affordable Rent homes. The FVA was reviewed by industry experts on behalf of the Council. The

appraisal concluded on the basis of the level of affordable housing as set out above, that the scheme would result in a Residual Land Value (RSL) of £360,192 resulting in a deficit of £403,104 against the Benchmark Land Value (£763,296). The appraisal concluded that the scheme would be delivering beyond the maximum reasonable level of affordable housing.

22. Following the resubmission of the amendments to the scheme, a further appraisal of the schemes viability was undertaken. This was on the basis of 6 no. London Affordable Rented homes and 3 no. shared Ownership homes (a total of 9 of 45 homes proposed within the scheme). This accounted for 20% of the homes by unit or 19.8% by habitable room with a tenure split of 67:33 weighted towards London Affordable Rent being affordable housing. The updated appraisal concluded on the basis of the revised affordable housing offer housing as set out above, that the scheme would result in a Residual Land Value (RSL) of £244,214 resulting in a deficit of £519,082 against the Benchmark Land Value (£763,296). The appraisal concluded that the scheme would deliver beyond the maximum reasonable amount of Affordable Housing. The proposed tenure split is also weighted against London Affordable Rent at 67% with Shared Ownership at 33%. This is a very marginal shortfall in the 70:30 split and the proposed offer is considered to represent the maximum reasonable amount of affordable units, in accordance with adopted and emerging policy. While taking this into consideration, a late stage review mechanism is recommended to be secured within the legal agreement to capture an additional contribution to affordable housing should the viability of the scheme improve. This would be in the form of a payment in lieu in line with London Plan policy and guidance. The proposed affordable housing would be located on the first floor of the proposed development.

### Housing Mix

23. The proposed housing mix would result in 3 x studios, 21 x 1 beds, 10 x 2 beds and 11 x 3 beds. Policy CP2 seeks for at least 25% of units to be family sized (three bedrooms or more). Brent's emerging policy BH6 within the draft Local Plan carries forward this same target but specifies that 1 in 4 new homes should be provided as three bedroom homes.
24. The original scheme for 57 homes including a mix of 29 no. one bedroom homes, 14 no. two bedroom homes and 14 no. three bedroom homes. This accounted for 14% of the homes being family sized, with 50% of the London Affordable Rented homes as family sized homes.
25. The scheme as amended for 45 homes would include a mix of 3 no. studio one person homes, 21 no. one bedroom homes, 8 no. two bedroom homes and 11 no. three bedroom homes. This would account for 24.4% of the homes being family sized. While this would be marginally below the current 25 % target for borough wide new homes, it would actually be in accordance with the emerging policy target of 1 in every 4 new homes proposed. It is acknowledged that the number of family sized homes within the London Affordable Rented units has reduced to only one, with the remaining ten family sized homes within the private tenure. Whilst your officers would have preferred to have secured a higher proportion of family sized homes within the London Affordable Rented tenure, given that there has been a reduction in the number of homes within the scheme, including a reduction in the number of private homes from 45 to 36, this would have an impact on the viability of the scheme (due to the highest values being within the open market tenure), the conclusions of which are supported within the updated viability appraisal.
26. Therefore, the scheme would comply with policy CP2 of The Core Strategy 2010 and BH6 of the Draft Local Plan.

### Design, Character and Impact on the Street Scene

27. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced in policy BD1 of Brent's Draft Local Plan that seeks for new development be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.

### Height

28. Draft policy BD2 in the emerging Local Plan relates to tall buildings. It defines a tall building is one that is more than 30m in height. The proposal is under 30m and therefore not defined as a tall building. Policy BD2 goes on to state that in intensification corridors, developments of a general height of 15 metres

above ground level could be acceptable.

29. The front elevation of the proposal would comprise of 6 storeys, with the front elevation measuring approximately 20m when considering the central part of the building. The rear projecting component would also be 6 storeys in height eventually dropping down to 4 and 3 storeys to the rear.
30. It is noted that the proposal would exceed 15m in height (5 storeys) as referred to within emerging policy BD2, however the 6 storey features would mainly occupy the front portions of the site whereby this height would be considered appropriate given the width associated with Blackbird Hill/A4088. The overall height is also focused away from the residential properties to the north, north-west and north-east of the site. As such the reduction in height to the rear would allow for an appropriate transition and relationship when considering the height of the dwellings within the vicinity of the site.
31. The main height and bulk of the proposal would be directed towards front sections of the site facing the highway. The land rising from east to west on Blackbird Hill, and therefore the proposal acts as a comfortable transition between the five storey with sixth storey set back development at Claygate Court and Accadia Court building, which also lies within the intensification corridor and therefore could accommodate additional height in line with draft policy BD2.
32. The viewpoint provided with application concentrating on the appearance from Forty Lane further west of the site reveals that the site has capacity to sustain a development 6 storeys in height. The rear segment of the building would then eventually drop to four to three storeys to respect the character of the traditional two storey properties surrounding the back portions of the site. Given the general separation distances achieved with these dwellings it is considered that the development would respect the character and relationship with the buildings covering these areas adjacent to the site. Further to this, the use of varied range of materials with different range of colour patterns and composition would further break up the overall appearance and height of the development when viewed from the street scene.
33. Overall, the proposal is considered to be of a high quality design, responding to the emerging Local Plan objectives of intensify the site for new homes, including nine affordable homes and community use. The benefits of the scheme are considered to outweigh the limited harm of the height exceeding a general height of 15m as set out in draft policy BD2.

#### Land Levels

34. The Design and Access Statement Addendum reveals that there is approximately a 2m level change across the width of the site, rising from east to west. The proposed building is required to be located on a plateau to meet Building Regulations Part M access requirements and therefore this would locate the ground level close to the lower level of the site.
35. A retaining wall would be proposed to protect trees and a reduced element would be introduced along the north western side of the site with a 1.5m reducing to 0.5m retaining wall. The existing ground levels would be maintained within the amenity space to the north with a retaining wall following the back edge of the car park with steps leading up to the communal amenity space area.

#### Architecture and Materiality

36. SPD1 states that the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character.
37. The proposed new build would comprise of a range of architectural features and details that would layered on the building creating visual interest throughout building. Raised brick banding would be used on the ground floor, creating a visual base to the building. This would allow clear distinction to the upper floor residential uses and re-emphasises the ground floor space. The different material would result in an alternative banding that would give depth to the building when viewed from the street, resulting in visual interest. The raised brick banding would be added to the western corner of the building and continues up the main body of the building.
38. Above ground floor level, further brick banding is introduced in line with the floor plates articulate the taller portions of the building, providing additional relief from the overall height. Large portions of the building would incorporate full height glazing around the length of the building adding additional variety to each elevation. Pattered glazed balconies are proposed to the primary elevation along Blackbird Hill. The lower parts of the balconies would include copper coloured features. A canopy structure would be added to the

ground floor entrance. The recessed top floor would be made of concrete cladding panels while the windows would feature bronze powder coated elements. Buff brick would be primary material of the building with complimentary brown cladding. Above ground level, the brick element to the building gradually steps down from three to two levels. Concrete panels are proposed as a second material and this would also be brown.

39. The proposed materials are considered acceptable in principle and draws on the surrounding context. Overall, the building would be of a high-quality design and contain a contemporary design that would benefit from positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition.

#### Layout

40. The proposed building line fronting Blackbird Hill would incorporate a gradual projection forward of the established built form associated with Claygate Court. This minimal projection forward is considered acceptable and would allow for sufficient spacing to the front of the site that would not interrupt pedestrians using the public footway.
41. The proposed community use space that would be introduced at the ground floor level would provide active frontage along the south western part of the building, this in turn would benefit the street scene. An entrance lobby to the residential use would be included along the central portion of the building activating the frontage of the building. Large panel glazing would be utilised further adding value to this part of the Blackbird Hill. The eastern segment of the ground floor would facilitate vehicle access to the proposed car park area.
42. The communal amenity space to the rear of the site would be accessed from the car park. The material used for the walkway to both areas would comprise of varying colours to that of the rest car park area. This design approach would clearly define a route for residents and would create a legible and safe route for residents to gain access to the amenity space areas. The front section of the amenity space to the western side of the site would be allocated for any potential nursery use. The applicant has identified that this space will be used only when supervised by any potential nursery staff. All amenity space would therefore be overlooked and accessible for residents.
43. A new lay-by would be added to the front of the site for deliveries and servicing, resulting in alterations to the footpath. Sufficient space has been maintained for pedestrians with a 2m wide pavement.
44. The ground floor would also include refuse storage for both commercial use and residential use. Cycle storage would be sited within the central part of the ground floor and a plant would also be added to the rear portion of the ground floor.

#### Relationship with St. Andrews Conservation Area

45. The site is situated on the boundary (outside of) the St Andrew's Conservation Area. A conservation area is defined as a designated heritage asset.
46. Paragraph 194 of the National Planning Policy Framework (NPPF) 2021, states when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 195 that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
47. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the case of where development leads to less than substantial harm to the significant of a designated heritage asset, paragraph 202 of the NPPF highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum

viable use.

48. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy DMP7 of the Development Management Policies 2016 states that proposals affecting heritage assets should consider the wider historic context and provide a detailed analysis and justification of the potential impact (including incremental and cumulative) of the development on the heritage asset and its context. Policy BHC1 of the Draft Local Plan further re-emphasises the matters above. Policy BP2 further reveals the importance of protecting heritage assets within the eastern parts of the Borough.
49. The St Andrew's Conservation Area Character Appraisal states that 'The special character of the conservation area was and is derived from this historic setting and the inter-relationships of more modern 20th Century suburban estates of rich quality and varied design. St Andrew's New Church has an impact upon the area far beyond the curtilage of its own site for its substantial tower and spire form a focal point for a number of local views.'
50. Originally the application was accompanied by a Heritage Statement that assessed the original scheme at up to 7 storeys high. This considered views and impact on the St Andrew's Conservation Area. No updated heritage statement has been submitted with the revised submission but the scheme has reduced in bulk and scale.
51. The development site is a long distance away from the heart of the St. Andrew's Conservation Area. The heritage officer supports the view in the heritage statement that there is 'no direct visual relationship with the Southern part of Old Church Lane or the 15 listed buildings'. Furthermore, the heritage officer is satisfied that the development would not 'fall within the framed view of the spire of St Andrew's New Church' its most significant element and focal point. There would therefore be no harm to these assets or the heart of the Conservation Area. Furthermore, the proposed development is not on the junction and entrance to the St. Andrew's Conservation Area (Old Church Lane) and therefore would not impact key views in this respect.
52. The development is on the rear boundary with 1 and 3 Old Church Lane and will be seen from the rear of these properties. In this respect, the Design and Access Statement specifies that mitigation measures have been undertaken to reduce the visual impact. This includes stepping back the upper floors so that the overall massing reflects the smaller scale of the properties on Old Church Lane. The rear gardens are relatively long and there is also substantial tree screening which will reduce impact. There will be viewpoints through to the site between the properties but this appears to be very marginal given the size of the houses and tree screening. It would therefore only be seen as 'backdrop' in oblique views. In this respect there would be limited impact and harm to the conservation area. In this respect, the benefits of the scheme including the redevelopment of a brownfield site delivering new homes to assist in meeting the Council's housing targets and the provision of community floorspace within the site, would be considered to outweigh the limited harm identified above.
53. Historic England have been consulted on the application and confirm that they wish to make no comments.

#### Archaeological Considerations

54. The site is not in an Archaeological Priority Area or a Site of Local Archaeological Importance. Nevertheless, the heritage statement points out that evidence of Iron Age material was found on the adjoining site and that the development site is monitored to determine archaeological potential. The Greater London Archaeological Advisory Service (GLAAS) has been consulted on the application and notes that the site is not within an archaeology priority area and is likely to have been previously disturbed. They recommend that no further assessment or conditions are therefore necessary. The study area contains a resource of archaeological evidence of low value and local interest, as such the Heritage Statement has highlighted that a future investigation should be provided to assess any potential archaeological importance on site. A condition has been recommended requesting details of this study via a Written Scheme of Investigation and this would be reviewed by the Heritage Officer, who was satisfied with this approach.

#### **Impact on Neighbouring Occupiers**

### Separation Distance and Privacy

55. Any development are required need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m between directly facing habitable room windows and 9m to boundaries with private amenity spaces should be maintained.
56. The proposed rear windows of the development would be sited at their closest point approximately 20.7m (at first and second floor levels) from the splayed boundary to the north of the site shared with the rear garden of No. 5 Daisy Close. This would significantly exceed the minimum 9m separation set out within SPD1.
57. To the east, the windows within the wing of the building would be sited approximately 12.5m from the boundary with the rear garden of 7 Claygate Court and 9m to the boundary with the rear garden of No. 1 Old Church Lane. The same elevation would also be situated approximately 47.8m from the rear elevation of the No. 1 Old Church Lane. The front section of the building would contain flank wall windows within 9m of the boundary with 7 Claygate Court, but these windows serve non-habitable rooms and can be conditioned to be obscured glazed and high-opening. The proposal meets the separation distances set out in SPD1 in relation to the properties to the east.
58. Sited to the west of the application site, lies the garages for Accadia Court and No. 31A Tudor Gardens (a care home facility containing six cluster flats). The windows within the rear wing of the building would be sited 9m away from the boundary with Accadia Court. The front section of the building does contain two windows to Flats A.1.1, A.2.1, A.3.1 and A.4.1 that serve bedrooms which are located approximately 6.9m from the boundary with Accadia Court. These windows have been designed with oreil windows allowing outlook towards the front of the site, and the glazing facing Accadia Court to be obscured glazed to prevent direct overlooking. The rear projection would be sited approximately 12.3m from the boundary with No. 31A Tudor Gardens.
59. Overall, it is considered that the proposed development would appropriately separated from all adjoining boundaries and neighbouring properties within the vicinity of the application site, and would not result in significant levels of overlooking or compromise the ability of neighbouring sites to come forward for redevelopment. The proposal complies with DMP1 and the guidance set out in SPD1.

### Overbearing Appearance

60. SPD1 sets out that new developments should normally sit within a line drawn at 30 degree from the nearest rear habitable room window of adjoining development (measured at 2m high from internal floor level) and site within a line drawn at 45 degree from the neighbouring private rear garden area (measured at 2m above garden level). SPD1 further highlights the 1:2 rule for two storey extensions for commercial developments next to residential as well as between residential developments applies.
61. Section drawings have been provided with the application to illustrate the relationship with the neighbouring boundaries as discussed below.

#### *No. 5 Daisy Close*

62. A section plan has been provided demonstrating that the development would sit within 45 degree line from the rear garden of No. 5 Daisy Close.

#### *No. 1 Old Church Lane*

63. A section plan has been provided showing the relationship of the development in relation to the rear garden of No. 1 Old Church Lane. A minor infringement of approximately 0.4m would occur when considering the 45 degree angle from the rear boundary of No. 1 Old Church Lane.. It is noted that the 45 degree angle taken adjacent to the rear portion of the sixth floor element would result in an infringement of approximately 2.8m at the fifth floor level and 3.4m at the sixth floor level. This infringement would occur along a minor portion from the rear boundary of No.1 Old Church Lane. It is considered that this relationship with No. 1 Old Church is satisfactory given the depth linked to this subject rear garden of this neighbouring property, measuring over 40m in depth.

### *No. 7 Claygate Court*

64. The submitted section plan demonstrates that in relation to the rear wing of the building, there is a minor breach of the 45 degree line from the rear garden of No, 7 Claygate Court when considering a balcony screen and the top of the parapet of the roof level. This relationship would result in a breach of approximately 0.6m when considering the balcony screen serving unit A.5.2 and a breach of approximately 0.3m with the parapet at the roof level. However, the breach would not be significant to result in a harmful impact on neighbouring amenity.
65. The front section of the development would align with the rear building line of No. 7 Claygate Court. Whilst the central wing would be in breach of 1:2 rule by approximately 19.76m, given that it is set in a good distance from the boundary (approx. 9m) and only contains a minor breach of 45 degree line, the rear projection would not be considered excessive in depth in relation to No. 7 Claygate Court to result in harmful levels of loss of outlook or overbearing appearance.
66. Overall, whilst there are some minor breaches of the 45 degree line as set out in SPD1, the proposal is unlikely to result in a significant impact on neighbouring amenity. Overall, it would comply with policy DMP1 of the Development Management Policies 2016.

### Daylight and Sunlight

67. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.
68. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
69. However, the BRE also recognises that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF 2019 also supports a flexible approach to applying standards in order to make efficient use of sites.
70. A sunlight and daylight assessment was provided with the application assessing the impact on the neighbouring properties within the vicinity of the application site. The report outlines that a total of 129 windows from the buildings surrounding the site were highlighted as being in close proximity and facing the development. 59 windows passed the 25 degree line test, and therefore did not require any further testing for daylight considerations, 69 windows achieved VSC levels greater than 27% and 9 windows attained relative VSC levels over 0.8 times of their former value. A total of 46 windows from building within the vicinity of the site were assessed for sunlight access, 26 windows passed the 25-degree line test and 20 windows satisfied the BRE criteria.

### *Accadia Court*

71. The results outline that out of a total of 16 windows at this property, 4 would pass the initial 25 degree line test. The additional 12 windows would retain a VSC greater than 27%. Furthermore all rooms tested would meet NSL requirements. All windows within Accadia Court still met BRE criteria with the development in place.

### *Tudor Gardens Care Home*

72. A total of 32 windows were tested, 16 windows would pass the initial 25 degree line test. The additional 16 windows would meet the 27% VSC requirement. Furthermore all rooms tested would meet NSL requirements. All windows within Tudor Gardens Care Home still met BRE criteria with the development in place.

### *Claygate Court*

73. The result reveal that a total of 46 windows were assessed at these flats. 12 of the windows would pass the initial 25 degree line test. Overall 25 windows would attain a VSC of 27% or greater. Further to this, the additional 9 would achieve VSCs over 0.8 times their former values complying the relative BRE guidelines. All rooms would also pass NSL requirements. All windows within Claygate Court still met BRE criteria with the development in place.

### *No.1 Old Church Lane*

74. The 7 windows to the rear of this neighbouring property would pass the 25 degree test. Therefore no further assessment is required to take place.

### *No.3 Old Church Lane*

75. All 9 windows to the rear of this property would pass the 25 degree angle test. Therefore no further assessment is required to take place.

### *No. 5 Old Church Lane*

76. The windows to the rear of this property would pass the 25 degree angle. Therefore no further assessment is required to take place.

### *No. 5 Daisy Close*

77. A total of 4 windows have been assessed and results reveal that all windows would achieve a VSC of 27% or greater. The affected rooms would also continue to meet NSL testing.

### *No. 6 Daisy Close*

78. The four windows to the rear of this property would pass the VSC level of 27% or greater. The affected rooms would also continue to meet NSL testing.

### *Nos 23 and 25 Tudor Gardens*

79. The proposed development would pass the 25 degree angle test when considering the windows to the rear of these properties. Therefore no further assessment is required to take place.

### *Sunlight Assessment*

80. The analysis has a reviewed a total of 46 windows whereby 26 are identified not to be impeded on the initial 25 degree line test. The additional 20 windows would maintain an ASPH greater than 25% and a WPSH greater than 5% or at least 0.8 times their existing value. As a result it is not considered that the proposed development have a negative impact on access to sunlight when considering the surrounding properties around the site.

### *Overshadowing Assessment*

81. The assessment also includes an overshadowing assessment. The results reveal that 50% of the external amenity spaces surrounding the site would receive more than 2 hours sunlight on 21st March or at least 80% of their existing value. The findings illustrate minimal impact on the surrounding garden spaces (retaining at least 0.94 times it former value), therefore the development would meet the BRE guideline.

82. Given the site allocation which envisions a relatively dense development the relationship with neighbouring properties is satisfactory. Additional height is anticipated given the surrounding context and envisages of the intensification corridors running east and west of the application site.

### **Quality of Accommodation**

83. Policy D6 of London Plan sets out standards for housing quality. It requires new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3

Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

### Daylight and Sunlight

84. A daylight and sunlight report was submitted with the application assessing the internal arrangement of the proposed residential units. Assessment was conducted on 25 dwellings across the first, second and third floors of the proposed development. These were considered to be the worst-case scenario units in terms of daylight across the proposal as a whole. The Average Daylight Factor (ADF) has been used to analyse the proposed units. The BRE guidelines outlines the following ADF levels recommended for habitable room uses; 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.
85. A total of 63 habitable rooms were assessed while 38 of the rooms were demonstrated to achieve an ADF target of 1%.The kitchens achieved a 2% target for kitchens. In addition to this, 8 of the 10 spaces would meet the 1.5% target for living rooms. It is noted that 2 living room spaces (R6 linked to Unit A.1.8 + R8 linked to Unit A1.7) would achieve a 1.4% which is marginally below required target of 1.5%. This is minor shortfall due to the balcony overhead situated above and this is considered acceptable given the wider benefits linked to the external private amenity space.
86. Annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) is linked to the long-term average of the total of hours during a year in which direct sunlight reaches the unobstructed ground. The results reveal that 14 of the 17 living rooms would achieve an APSH greater than 25% and WPSH greater than 5%. Two rooms were found not to meet BRE annual sunlight guidance and the remaining achieved sunlight levels below the BRE recommendations. These subject rooms would be served by a window which would be south east facing below a proposed balcony.
87. Overall, the internal configuration and layout of each flat provides sufficient access to daylight and sunlight. .

### Floorspace Requirements

88. Policy D6 of London Plan sets out minimum floorspace requirements . It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. The proposal has demonstrated that all units would meet the London Plan floorspace requirements.
89. It is noted that first and second floors would include 11 units on each floor, while the third floor would facilitate 10 units. Whilst this would exceed the recommended 8 homes per core as set out in the Mayor's Housing SPG, given that the homes are clustered around the core, the arrangement would not be considered to be detrimental to future occupants, or result in a negative impact on social cohesion on each of the floors.
90. The section plans submitted with the application demonstrates that the proposal would meet the required floor to ceiling height of 2.5m set out within the London Plan.

### Aspect

91. The overall configuration of the proposed residential units would result in a total of 22 units with a single aspect. None of these homes face directly north or south, and all of the single aspect homes are smaller one and two bedroom homes. Each home would benefit from good levels of outlook, and as highlighted in the daylight and sunlight report above, overall the scheme benefits from good levels of daylight and sunlight.

### Accessibility

92. Policy D7 of the London Plan requires that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'.
93. The development has been designed to allow residents to gain step-free access to the building when considering the external environment through clearly visible and identifiable entrances from the public realm. Step-free access would also be provided to the rear amenity space. The scheme would also

include 4 units designed to Building regulations M4(3) 'wheel chair accessible homes standards'. This would equate to 9% which is slightly below the 10% requirement of the London Plan. The remainder of the homes would be designed to M4 (2) 'accessible and adaptable dwellings' standards.

### Privacy

94. Given orientation between the proposed units no harmful overlooking would occur between homes within the development. A condition has been recommended requesting details of appropriate screening to be included on the proposed balconies.

### External Amenity Space

95. 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).

96. 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.

97. 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.

98. 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 policy.

99. In line with policy DMP19 and the scheme would be required to provide a total of 1,230sqm of external amenity space (11 no. 3 bedroom homes x 50sqm + 34 no. one/two bedroom homes x 20sqm). Each home will have access to a private balcony that meets or exceeds London Plan standards for external amenity space. However, there is an overall shortfall in private amenity space 802.3sqm for the scheme overall. To offset the shortfall, each home will have access to the communal rear garden at the rear of the site at ground floor level. The communal amenity space is 733.5sqm. Therefore the overall shortfall of external amenity space based on the targets set out in DMP19 would be 68.8sqm. However, it should be noted that emerging policy BH13 of the Draft Local Plan outlines that all new dwellings will be required to have external private amenity space of a sufficient size to satisfy residents, this is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20sqm for all other housing. Therefore this would equate to 900sqm (45 x 20sqm) of external amenity space in total as none of the homes are situated at ground floor level. The combination of private and communal amenity space would exceed the target set out in emerging policy BH13.

100. As highlighted above the shortfall in external amenity space across the scheme would be 68.8sqm which is minor in comparison to the policy target. Each new home would have access to the private amenity space via a private balconies and would have access to good quality amenity space. Further to this, the site would be sited within walking distance to local recreational space. Quanton Street Open Space is within a few minutes walking distance from the site. In addition to this, the Welsh Harp Open Space and Neasden Recreation Ground is within 15 minutes walking distance from the site. It is anticipated for a slight shortfall given the overall scale of the development however the minor shortfall identified above is not considered significant. It is considered that amenity space provision has been reasonably maximised across the development. It is therefore considered that the amount of external amenity space proposed within the scheme is sufficient for future occupants in accordance with adopted policy DMP19. However, even if one was to contend that the minor shortfall resulted in the insufficient provision of amenity space, officers consider that such a shortfall would be accepted given that wider benefits of the scheme including the provision of new homes (including Affordable homes) and community facilities. Furthermore, when assessed against emerging policy BH13 there would be no shortfall.

### Play Space

101. London Plan policy S4 refers to play space requirements for residential developments. A total of approximately 149sqm would be allocated for children playspace and this would be in line with the GLA calculator. In addition to this the site is also within walking distance to the Neasden Recreation Playground. The final details of the proposed playspace has been requested via a planning condition.

### **Transport and Highway Considerations**

102. On street parking is prohibited at all times on Blackbird Hill and the site is within the Wembley Stadium event day zone. Blackbird Hill is a London Distributor Road that carries four lanes of traffic and the site is in close proximity to a major junction; Forty Lane / Tudor Gardens/ Salmon Street.

### Parking

103. The maximum parking standards for the proposed development, due to it being in a PTAL of 3, is 1 space per 1-2-bed flat and 1.5 per 3-bed flat as set out in Brent's Development Management Policies 2016, giving the 45 homes with a mix of 24 x 1-bed, 10 x 2-bed and 11 x 3-bed, a maximum parking allowance of 50 spaces. The adopted London Plan permits up to 0.75 spaces per home for one and two bedroom units and up to one space for three bedroom homes, totalling a maximum parking allowance of 36.5 spaces for the 45 homes. Brent's draft Local Plan will follow London Plan parking standards. Given the status of the draft Local Plan and the more strategic objective to reduce reliance on car ownership, it is considered appropriate to apply the lower London Plan standards.

104. In addition to this, the proposed community space unit is permitted 1 space per 10 users/visitors as set out within Brent's Development Management Policies 2016, and as the submitted plans indicate that the floorspace could accommodate 30 users/visitors, it will have a maximum parking allowance of 3 spaces. Consideration also needs to be given for drop offs/pick-ups.

105. The proposal would provide 27 car parking spaces for residents plus a further 2 spaces for the community use. Six of the car parking spaces would be designed as electric vehicle charges points from the outset with the remainder with passive provision. Such details would be secured through a planning condition. As the number of spaces for the residential homes are below the maximum parking allowance, consideration needs to be given to overspill parking.

106. A Transport Statement has been submitted with the application. The parking beat survey was carried out on two consecutive nights and this demonstrated that the surrounding streets were 80% full, which is considered by the Council to be heavily parked. It is therefore considered important that future car parking demand can be fully accommodated on site.

107. The Transport Statement has examined Census data for the area, which reveals that in area E01000625 have car ownership averaging 0.6 vehicles per flat. This equates to 27 cars for the 45 proposed flats. The proposed 27 spaces, plus 2 spaces for the community use, would therefore be sufficient to satisfy estimated car parking demand, without resulting in overspill parking onto surrounding streets. .

108. The proposal provides 2 blue badge spaces and this meets the 3% provision per flat set out in the adopted London Plan. If further spaces are required, some of the standard bays can be widened.

### Trip generation

110. A revised transport appraisal technical note was submitted during the course of the application. This has incorporated a TRICS assessment of similar sites in London estimating that the site would generate 1 arrival and 4 departures in the am peak hour and 4 arrivals and 3 departures in the pm peak hour by car.

### Vehicle access and highway works

111. The existing vehicular crossover would be modified on the eastern end which will be 4.7m wide. This will allow vehicles to pass one another to ensure vehicles are not left waiting on the highway. A vehicular gate will also be provided and this is set back 7m from the back of the footway to allow vehicles sufficient space to wait within the site demise and not obstruct the highway. In addition to a new vehicular access, a loading bay is proposed outside the application site, sited to the west of the new vehicular access. The

inset loading bay will measure 11m x 3m. The footway to the rear of the loading bay will remain at a minimum of 2m wide and will need to be dedicated as a Public Highway and a Section 278 / 38 technical drawing will need to be submitted for Brent's engineers for approval. Such details would be secured within the Section 106 Agreement.

112. A Road Safety Audit was submitted in relation to the new vehicular access and loading bay. This outlined two issues with the access.

- Visibility splays (2.4m x 43m) will not be achieved at the access, when the loading bay is in use. This could lead to vehicle collision between vehicles existing the site and vehicles travelling eastbound on Blackbird Hill.

- Similarly, visibility splays will be not be achieved for the existing access to Accadia Court.

113. The Transport Consultant response to the Road Safety Audit identified that the layby loading bay would prevent on street loading which will only be in use occasionally and would not be in constant use. Therefore minimising the frequency upon which visibility may be affected particularly when considering the size of the car park and the access it serves. Drivers will use in greater caution when layby is in use. Similarly the Transport Consultant highlighted that the frequency of use of both the layby and the Accadia Court access will be occasional and therefore visibility will be rarely affected when a driver is emerging. As such the relationship with the existing Accadia Court access would be satisfactory. The Road Safety Auditor reviewed the designer's response and highlighted that the relationship between the loading bay and access is common, given the occasional use it is anticipated that the risk is low. Furthermore it was identified that the presence of the layby will encourage exiting drivers to proceed with greater caution when leaving the development site.

114. Based on the additional comments provided by the road safety auditor, officers in transportation have advised that they agree with the above recommendations. The proposed loading bay is anticipated to be lightly used for refuse vehicles (1-2 times a week) plus potential grocery van and internet shopping deliveries made to the units and drop off/pick off for the flexible community use. Overall, the usage is expected to be infrequent but when in use caution will be applied by drivers egressing the proposed development. The two lanes in each direction on Blackbird Hill provides the opportunity for vehicles to move to the outside lane if cars emerge from the site. As a result, the safety concerns raised in the original Road Safety Audit have been addressed.

#### Healthy streets assessment/wider highway improvements within the vicinity of the site

115. The original comments provided by the Transport Officer highlighted consideration should be given to the poor pedestrian and cycling realm within the vicinity of the site, with Blackbird Hill acting as a barrier for connections. The applicant has therefore submitted a road safety audit to include a new zebra crossing proposed on Tudor Gardens.

116. The Road Safety Audit raised 2 problems;

- Vehicles travelling west on Forty Lane and turning into the bend will experience reduced visibility when reaching this crossing. The hard braking could lead to vehicle – pedestrian collision or vehicle to vehicle rear end shunt collision.

- The dual carriageway on Tudor Gardens could mask pedestrians crossing. This could increase vehicle to pedestrian collision.

117. Whilst the crossing has some merits, it still raises significant issues relating collisions and additional highway cluttering of signage. Passengers needing to access the site using this bus stop could alight a stop earlier on Tudor Gardens, which would require no crossing, or a stop earlier on Blackbird Hill, which would require using the existing crossing outside Lidl.

118. The proposed development has been discussed with Brent's Highways & Infrastructure – Project Development Team. It has been identified by the team that there are proposals to alter the configuration of the roundabout at Blackbird Hill and Tudor Garden in order to improve pedestrian crossing facilities. Highways officers have requested a payment in lieu to be provided from the development to contribute towards the wider highway improvements works. A figure of £100,000 would be secured.

### Servicing and deliveries

119. The proposed community use will not require regular servicing and deliveries, but consideration would need to be given to potential pick-up and drop off for the use. Drop off and pick up would take place from within the loading bay. It is recommended that the management arrangements for drop off and pick up are secured within the Travel Plan as part of the Section 106 Agreement, to ensure there is no obstruction of the distributor road.

120. Bins are to be stored at the front of the building fronting Blackbird Hill to allow easy access for collection from the loading bay. Doors to the bin store should open inwards and not out onto the vehicular access. Such matter would be secured as a condition.

121. The lay-by would be used for refuse collection for the flats and for other deliveries. As such, this arrangement is welcomed to prevent disruption to the highway network on this major traffic route.

### Travel Plan

122. The submitted Travel Plan sets out objectives to improve resident access and maximise the use of sustainable travel modes. Targets will be set for years 1, 3 and 5, with the main target being to reduce car travel by 5% to 25% of trips by year 5 and to thus increase walking, cycling and non-car modes.

123. Measures such as bus routes and frequencies will be included in the travel pack. Taster tickets for free public transport will be given. Maps of local cycle routes will also be provided. Eight of the proposed bays will have electric charging points and passive provisions for charging will be made for all other bays, which is welcomed. Cycle training is also mentioned although it is unclear how the site will provide the cycle training and how much money will be allocated to this.

124. Monitoring will be carried out in years 1, 3 and 5 in form of a travel survey. The objectives of the Travel Plan is therefore considered acceptable and this would be secured through the Section 106 Agreement.

### Cycle Parking

125. A total of 77 cycle spaces have been proposed and comply with the London Plan. The proposed eight short stay spaces in front of the site will be clear of the public highway and available for all to use.

### Other Matters

126. A Construction Logistics Plan in compliance with guidance set out by Transport for London has been recommended as a condition.

### **Tree Consideration, Landscaping Provision and Urban Greening**

127. An Arboricultural Impact Assessment was submitted with the application. The survey identified that the site's tree stock is primarily composed of early-mature and mature trees which are predominately in a fair condition. The proposed development of the site will not require the removal of any existing trees on site. However, some access facilitation pruning works to the crowns of trees within, and overhanging, the site will be required to minimise the potential for branch damage to occur during development. Some works would be required within the initial Root Protection Areas (RPA), the impact will be mitigated by ensuring appropriate construction methodologies are followed.

128. The proximity of trees within an off-site tree group and the north-west elevation of the proposed building is noted. The continued growth of trees within this group is expected to require routine pruning management to prevent conflicts with the proposed building through shading or direct damage. The retained trees would be protected with tree protection barriers in line with the specification set out in BS5837:2012. The site currently contains large areas of hardstanding, as such it is likely that root development in the affected areas will have been restricted and on this basis, it is considered that the potential for harm to occur to the trees as a result of the works is minimal. With respect to the proposed soft landscaping works within the RPAs of retained trees, it is recommended that such works proceed according to British Standards BS 8545 (2014). The Tree Report outlined that the proposed development is unlikely to add future pressure for tree removal.

129. The proposed retaining wall to the western side of the property would be constructed largely at the periphery of the RPAs of the retained trees. Subject to the adoption of an appropriate working

methodology, and an arboricultural watching brief for all works within the RPAs of retained trees, it is considered that this retaining wall can be installed without causing significant impacts upon the long-term health of retained trees. An Arboricultural Method Statement will be required as various aspects of the proposed development will be undertaken adjacent or within the RPAs of retained trees. The purpose of this document is to ensure that all site operations without any risk to the trees on site and ensure protection of the subject trees.

130. The Tree Officer reviewed the information submitted with the application and outlined that a detailed arboricultural method statement and tree protection plan is required. The method statement should include a detailed schedule of site supervision for all works that will take place within the root protection areas or beneath the canopies whichever is the greater, of all retained on and off-site trees. Supervision must include an initial site meeting between the arboricultural consultant, site manager, other responsible persons and the LPA tree officer. Following each site supervision visit, a photographic and written record must be submitted to the LPA's tree officer. A condition has been agreed with the Tree Officer for this detailed information.
131. The proposed development will not require the removal of any existing trees on site. The landscaping plans make provision for the planting of up to nine new individual trees along the boundaries of the site. Such details would be secured via a planning condition. It is noted that as part of the works to demolish the former school buildings within the site, that five trees were removed to the front portions of the site. As the site is not located within a conservation area and none of the pre-existing trees had Tree Preservation Orders, the removal of the trees did not require permission from the Local Planning Authority. Nevertheless, the provision of nine new trees within the site would result in a net increase of four trees when compared to the pre-existing situation.

#### *Urban Greening Factor*

132. Policy G5 of the London Plan highlights that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and a target score of 0.4 for residential predominantly residential development. The applicant has provided calculations demonstrating that the proposal would achieve a UGF score of approximately 0.43 which would meet the target score set out in the London Plan.

#### **Sustainability**

133. Policy SI2 of the London Plan requires major development to achieve carbon savings beyond the requirements of Building Regulations. These are referred to as 'be lean' (fabric efficiency), 'be clean' (clean source of energy supply) and 'be green' measures (use of renewable energy technologies). A zero carbon development is ideal, however the policies acknowledge the practical difficulties of this and allow for a minimum of 35% improvement beyond minimum Building Regulations requirements with the remaining regulated carbon emissions being financially offset instead. Policy SI 2 stipulates that at least 10 points of the 35 point minimum saving must be from 'be lean' for the domestic part of the development whilst at least 15 points of the 35 point minimum must be from 'be lean' for the non-domestic workspace part of the development.
134. An Energy Statement has been submitted with the application taking into consideration a near zero carbon energy statement and with a minimum 35% reduction in CO2 emissions over Part a 2013 based on the London Plan 2021 and Policy SI2. The proposal has opted with Be Lean fabric first approach which will focus on low u-values and high air tightness, with mechanical ventilation with heat recovery. In addition to this, an electric Air Source Heat Pump (ASPH) system would utilised with solar PVs included within the roof design. This would therefore result in a 14% reduction in CO2 via the Be Lean fabric first approach using current Part L1a 2013. Taking into account SAP10 carbon factors as per the GLA guidance the development as a whole would equate to a 66% saving in CO2.
135. The Energy Statement submitted has identified ASHPs to be the most feasible and suitable solution energy source for the proposed development. Furthermore based on the proposed layout of the dwellings and large flat roof area with little over-shading PV is considered a feasible option in contributing to CO2 savings. Combined Heat and Power (CHP) would provide both electrical power and thermal heat energy.

The offset payment shall cover a 30 year period of emissions, with the payment being equivalent to £95 per tonne per annum. This payment will be secured through a legal agreement to any forthcoming consent. With the modelling provided, a payment of £41,873 would be secured for this purpose.

136. The Sustainability Statement submitted with the application has highlighted that the proposal has the capability in achieving 105 litres or less per head per day. Through the appropriate specification of water efficient bathroom and kitchen appliances the proposal would result in major savings in water consumption.
137. An Overheating Assessment was submitted with the application and the report undertook an assessment on twelve sample units throughout the development. The results reveal that the subject units would be acceptable and meet TM59 overheating criteria. It is noted that a few areas would marginally fail but mechanisms have been incorporate throughout the design of the building to prevent overheating issues. Natural ventilation can be achieved through outward opening windows across all dwellings cross ventilation would be facilitated by single and double aspect units with private balconies. In addition to this, a mechanical ventilation with heat recovery has been included within the development. These measures would help mitigate overheating risks.

## **Environmental Considerations**

### Noise

138. A Noise Impact Assessment has been submitted with the application and the findings have revealed that the main source of noise is road traffic. The proposed development would incorporate sound insulation measures to ensure the residential units would meet the criteria given in BS 8233 and WHO Guidelines. This would include building envelop sound insulation measures, acoustic glazing and acoustic trickle vents for bedrooms and living rooms. The report has also highlighted that appropriate sound insulation between floors would be required between the commercial ground floor space and residential units.
139. The Environmental Health Officer reviewed the information submitted and outlined that the development demonstrates compliance with BS8233:2014 noise criteria. They have however recommended that a condition be secured for details of sound insulation measures between the ground floor commercial use and the residential homes above.
140. An objection has been received from a local resident raising concerns with the potential noise levels from the plant equipment within the site. The Environmental Health officer has recommended that a condition is required before any plant to be installed, details should be provided of the predicted noise levels to be 10dB(A) below the measured background noise level (or lowest practicable levels) when measured at the nearest noise sensitive premises.

### Air Quality

141. The development is within an Air Quality Management Area. An Air Quality Impact Assessment has been submitted to support the application. This has considered the following aspects:

#### *Exposure Assessment*

142. The AQIA has considered the level of pollutant concentrations at the development with regard to potential exposure of future occupants to poor air quality. In relation to both Nitrogen Dioxide and Particulate matter, the new development would not be exposed to harmful levels of exposure. Therefore no further mitigation measures would be required.

#### *Air Quality Neutral Assessment*

143. An air quality neutral assessment has been undertaken in relation to both building and transport emissions from the prosed development. This concluded that the development would be air quality neutral with respect to building related emissions. However, the development in relation to transport emissions for NO<sub>2</sub> and PM<sub>10</sub>, would be above the benchmarked emissions, and therefore the scheme would not be air quality neutral with respect to transport related emissions. A number of mitigation measures were therefore recommended as summarised below:

- Site to operate with a Travel Plan to encourage a reduction in car trips
- All car parking spaces to be equipped with electric vehicle charging points (20% active from the outset and 80% passive).
- New soft landscaping within the site including the planting of 9 new trees
- Improvements to site access and new pedestrian footway

144. The mitigation measures as discussed above would be secured through a planning condition.

#### *Construction phase*

145. To minimise the amount of dust during construction works, it is recommended that a construction management plan is conditioned to any forthcoming consent. Furthermore, a condition governing the need for non-road mobile machinery to meet reasonable emission limits is also recommended to be applied to the decision.

146. Overall, subject to the mitigation measures as noted above, the scheme would not result in a harmful impact on local air quality, and be in accordance with policy SI1 of London Plan 2021.

#### Contamination Land

147. The site to be redeveloped and the surrounding area has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. The applicant has submitted a Land Science Phase 1, Phase 2 and Remediation Statement. All of these assessments are satisfactory however further sampling will need to occur before a full decision is made on the remediation of the site. Conditions are recommended requiring an investigation of land contamination to be carried out prior to commencement of any building works together with details of remediation and verification of the works carried out.

#### Lighting

148. The new development must not give rise to light or other nuisance to nearby residents. A condition will require that, should external lighting be installed, details of the lighting, including a measure of lux levels, is submitted and approved by the Council.

#### **Flooding and Drainage**

149. Policy SI12 of the London Plan and Brent Policy DMP9B require sustainable drainage measures to be implemented as part of major developments. Policy BSUI4 of the Draft Local Plan highlights the importance of a good drainage strategy.

150. The site is located within a Flood Zone 1 area and therefore would have little risk of flooding. The application was accompanied by a Flood Risk Assessment.. The report has stated that risk of flooding from the proposed development has been assessed as very low. Mitigation using sustainable drainage systems will be required to manage flood risk at source. The choice of options for surface water management and implementation within the site layout is being left to the detail design stage. it is estimated that an attenuation storage capacity of between 51 m<sup>3</sup> and 100 m<sup>3</sup> would be required to control site run-off depending on permitted rates, this would capture storm rainfall from the roof space up. Overall the assessment submitted with the application outlines that surface water run-off from the site can be managed by a number of 'at source' options including rainwater harvesting, permeable paving and attenuation storage tanks, this would be decided at the detailed design stage and the final details have been recommended via a condition. The measures set out above would result in a 50% reduction in surface water run-off. The Principle Engineer (Drainage & Flooding) reviewed the information provided with the application and was satisfied with approach to condition the finalised details for surface water run-off mitigation measures.

151. Thames Water were consulted during the course of the application and raised no objections. No concerns were outlined in relation to surface water drainage. A condition has been requested for a piling method statement in consultation with Thames Water. In addition to this, informatives have been included regarding public sewers and groundwater discharges.

## Fire Safety

152. Policy D12b of the London Plan outlines that development proposals must achieve the highest standards of fire safety. All major developments requires a Fire Statement with a fire strategy produced by a suitably qualified third party assessor. A Fire Safety Statement has been submitted with the application illustrating compliance with part A of Policy D12 covering a range of matters including fire service access, sprinkler systems and fire detection systems, separation of uses, treatment of stairs and common areas and external wall construction. However, the statement does not meet the full requirements of London Plan Policy D12b and a condition has been recommended regarding a Fire Strategy prior to commencement of the development that would fully accord with the information requirements set out in part B of Policy D12.

## Equalities

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

## Summary

154. Following the above discussion, it is considered that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions and completion of a Section 106 Agreement.

155. The proposed development would result in an attractive built addition to Blackbird Hill. The overall height and mass would relate appropriately to the existing buildings along Blackbird Hill and would act as an appropriate transition with the traditional suburban residential properties north, north east and north west of the site. The proposal would provide a flexible community use space of the ground the floor in line with the objectives of the site allocation. The proposal would maintain a suitable relationship with the neighbouring properties within the vicinity of the application site. Whilst the scheme does fall marginally short on external amenity space targets set out in Policy DMP19, the quality of accommodation is considered to be good and this would be mitigated through its proximity local recreation space and open space. As such, the proposal is considered to include external amenity space that is sufficient for future occupiers. The proposal would result in a number of significant benefits, including the provision of new homes to meet identified need, including affordable housing, and the provision of a community unit.

156. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions and a Section 106 obligation.

## CIL DETAILS

This application is liable to pay **£1,286,178.04** \* 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): sq. m.

Total amount of floorspace on completion (G): 3667.8 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	3562.8		3562.8	£200.00	£0.00	£1,059,296.79	£0.00
(Brent) Non-residen	105		105	£0.00	£0.00	£0.00	£0.00

Residential institutions							
(Mayoral) Dwelling houses	3562.8		3562.8	£0.00	£60.00	£0.00	£220,386.20
(Mayoral) Non-residential institutions	105		105	£0.00	£60.00	£0.00	£6,495.05

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)	333	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£1,059,296.79</b>	<b>£226,881.25</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.



Application No: 20/2096

To: Mr Blaquiere  
Terence O'Rourke  
7 Heddon Street  
London  
W1B 4DB

I refer to your application dated **15/07/2020** proposing the following:

Construction of a single building up to 6 storeys to provide 45 residential units (Use Class C3), and flexible commercial/community use floorspace (within Use Class E), car and cycle parking, associated landscaping, highways and infrastructure works, and provision of pedestrian and vehicular access

and accompanied by plans or documents listed here:  
Refer to condition 2

at **5 Blackbird Hill, London, NW9 8RR**

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: 16/11/2021

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 2021  
The London Plan 2021  
Brent's Core Strategy (2010)  
Brent's Development Management Policies (2016)

Emerging Policy

Brent's Draft Local Plan

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Plans: \_

264001-TOR-XX-ZZ-DR-A-P001, 264001-TOR-XX-ZZ-DR-A-P002,  
264001-TOR-XX-ZZ-DR-A-P003-E, 264001-TOR-XX-ZZ-DR-A-P004-E,  
264001-TOR-XX-ZZ-DR-A-P005-I, 264001-TOR-XX-ZZ-DR-A-P006-H,  
264001-TOR-XX-ZZ-DR-A-P007-H, 264001-TOR-XX-ZZ-DR-A-P008-H,  
264001-TOR-XX-ZZ-DR-A-P009-H, 264001-TOR-XX-ZZ-DR-A-P010-F,  
264001-TOR-XX-ZZ-DR-A-P011-E, 264001-TOR-XX-ZZ-DR-A-P012-F,  
264001-TOR-XX-ZZ-DR-A-P013-E, 264001-TOR-XX-ZZ-DR-A-P014-E,  
264001-TOR-XX-ZZ-DR-A-P015-E, 264001-TOR-XX-ZZ-DR-A-P016-E,  
264001-TOR-XX-ZZ-DR-A-P017-C, 264001-TOR-XX-ZZ-DR-A-P018-C,  
264001-TOR-XX-ZZ-DR-A-P019-A, 264001-TOR-XX-ZZ-DR-A-P020,  
264001-TOR-XX-ZZ-DR-A-P021-C, 264001-TOR-XX-ZZ-DR-A-P023-A,

264001-TOR-XX-ZZ-DR-A-SK1006 – E, 264001-TOR-XX-ZZ-DR-A-SK1007 – I,  
264001-TOR-XX-ZZ-DR-A-SK1009 – G, 264001-TOR-XX-ZZ-DR-A-SK1010 – E,  
TOR-XX-ZZ-DR-A-SK1011,

264001-TOR-SK0130 - B, 264001-TOR-SK0129 – B, 264001-TOR-SK0128 – B,  
264001-TOR-SK0131

Supporting Information

Arboricultural Impact Assessment prepared by Middlemarch Environmental dated June 2021  
Preliminary Arboricultural Survey conducted by Middlemarch Environmental June 2020  
Air Quality Assessment prepared by XCO2 dated June 2021  
Noise Impact Assessment prepared by Accon UK

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

- 3 The scheme hereby approved shall contain 45 residential homes as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The development hereby approved shall contain 104sqm space which shall be used as Class E (e), (f) and Class F2(b) and shall not be used other than for purposes as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) unless an application is firstly submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure the adequate provision of commercial, employment and community floorspace.

- 5 Units A.1.3, A.2.3, A.2.7, A.3.3 shall be designed to comply with Building Regulation M4(3) 'wheelchair accessible homes' standards and the remaining residential units designed to comply with Building Regulations M4(2) 'accessible and adaptable homes' standards.

Reason: To ensure the provision of accessible homes, in accordance with policy D7 of London Plan 2021.

- 6 A communal television aerial and satellite dish system for each building, or a single system for the development as a whole, shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. No further television aerial or satellite dishes shall be erected on the premises.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies SI1 and T7.

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

Reason: In the interest of highway flow and safety.

- 9 The development hereby approved shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based

approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

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

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

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

- 11 The bin stores hereby approved shall be fitted with doors that open inwards unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway flow and safety.

- 12 Twenty percent of the car spaces hereby approved shall be active EVCP spaces (6 spaces) and the remainder to be passive provision unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development meets the air quality targets.

- 13 The proposed flank windows serving Units A.1.1, A1.9, A.2.1, A.2.9, A.3.1, A.3.8, A.4.1 and A.4.6 shall be fitted with;

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupiers.

- 14 Prior to the commencement of the development a Construction Method Statement (CMS) shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works. All agreed actions shall be carried out in full.

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

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

- 15 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning

Authority.

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

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

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

- 16 Prior to commencement of development, a Fire Statement shall be submitted to the Local Planning Authority through an application for approval of details reserved by condition. The Fire Statement shall be produced by a suitably qualified person and shall fully accord with the requirements set out under Part B of the London Plan Policy D12 Fire Safety and any associated guidance.

Reason: In the interests of fire safety and to ensure the safety of all building users.

Pre-commencement reason: Fire safety is required to be considered at the outset of the development, prior to construction works commencing.

- 17 Prior to commencement of any works commencing on site a site supervision meeting shall take place between the project arboriculturalist, site contractors and LPA Tree Officer in which the project arboriculturalist ensures that all those involved in the scheme understand the requirements set out within the Arboricultural Report.

A record of all site supervision with photographic evidence shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority.

Reason for pre-commencement condition: To ensure a satisfactory development which does not result in harm to trees.

- 18 No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

- 19 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure

- 20 (a) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report

shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options and a Remediation Strategy should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 21 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), details of the finalised management surface water run-off mitigation measures shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

Reason: To ensure that the proposed drainage strategy is satisfactory.

- 22 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the following shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority;

(a) Details of materials for all external surfaces of the building (including samples)

(b) Details of the proposed entrances gates

(c) Details of screening to be installed on the proposed balconies

The works shall be carried out with the approved details.

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

- 23 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The submitted scheme shall set out detailed proposals for the following aspects:

a) Hard surfacing, any external furniture and play equipment, and boundary treatments throughout the site, including details of any retaining walls

b) details of soft landscaping (including species, location and densities) together with design of tree pits for 9 trees planted within the site.

c) details of any external CCTV.

d) details of level changes across the site

e) arrangements for maintenance of trees and other planted species.

The approved landscaping scheme shall be completed prior to the first occupation of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces and to maximise biodiversity benefits.

- 24 Prior to occupation of the development hereby approved, details of proposed external lighting design including a light spillage plan taken into consideration neighbouring properties, luminance levels and light spill shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The development shall be built in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 25 Prior to occupation of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, setting out how parking spaces shall be allocated to residents with the most need for parking. All parking spaces shall be made available on short-term leases rather than sold to individual residents or workspace users. The allocation and management of parking spaces shall be conducted in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that parking spaces are allocated to residents and workspace users with the greatest need for parking.

- 26 Prior to first occupation of the proposed development a Delivery and Servicing Plan shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority and the approved details shall thereafter be implemented from first occupation of the development.

Reason: In the interest of the free and safe flow of traffic on the highway network.

- 27 Unless alternative details are first agreed in writing by the Local Planning Authority, prior to occupation of the development hereby approved, evidence that the noise mitigation measures set out in the submitted Noise Impact Assessment prepared by Accon UK have been implemented shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 28 Unless alternative details are first agreed in writing by the Local Planning Authority, prior to occupation of the development hereby approved, evidence that the air quality mitigation measures set out in the submitted Air Quality Assessment prepared by XCO2 dated June 2021 have been implemented shall be submitted to and approved in writing through an

application for approval of details reserved by condition to the Local Planning Authority.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 29 A scheme of sound insulation measures shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The insulation shall be designed so that noise from any proposed commercial unit does not adversely impact residential units. Use Class E/F2 use shall not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats adjacent to the uses. The approved insulation measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels.

- 30 Any plant shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority prior to installation of such plant. All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620