



Appeal Decision

Hearing Held on 10 October 2018 and 14 November 2018

Site visit made on 14 November 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2018

Appeal Ref: APP/T5150/W/18/3194879

Manor Park Works, Manor Park Road, London NW10 4JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Karam on behalf of Beckley Group against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/2331, dated 25 May 2017, was refused by notice dated 19 October 2017.
 - The development proposed is the redevelopment of industrial site to residential to form a total of 45 units comprising: change of use of the existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 24 units (2 x studios, 8 x 1bed, 10 x 2bed and 4 x 3bed maisonettes) and an extension above the existing building with alterations to form 7 storeys; and erection of an 8 storey residential building plus a basement level, accommodating 21 units (3 x studios, 14 x 2bed and 1 x 2bed and 3 x 3bed maisonettes) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of industrial site to residential to form a total of 45 units comprising: change of use of the existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 24 units (2 x studios, 8 x 1bed, 10 x 2bed and 4 x 3bed maisonettes) and an extension above the existing building with alterations to form 7 storeys; and erection of an 8 storey residential building plus a basement level, accommodating 21 units (3 x studios, 14 x 2bed and 1 x 2bed and 3 x 3bed maisonettes) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building at Manor Park Works, Manor Park Road, London NW10 4JJ in accordance with the terms of the application, Ref 17/2331, dated 25 May 2017, subject to the conditions contained in the attached Schedule.

Procedural Matters

2. The original application submission was for 46 flats. It was confirmed at the Hearing that the proposal was amended during the course of the Council's consideration of the application. I have determined the appeal on the basis of the amended scheme for 45 units.
3. In the interests of ensuring that no parties were prejudiced, the Hearing was adjourned on the 10 October 2018 due to the insufficient notification given to

interested parties regarding the date, time and venue of the Hearing. The Hearing was resumed on 14 November 2018.

4. During the Hearing, the Council confirmed that the Brent Design Guide Supplementary Planning Document 1 (SPD1) 2018 has now been adopted. I have taken this into account in my consideration of the appeal.

Preliminary Matters

5. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published and this is a material consideration which should be taken into account from the date of its publication. I have therefore determined the appeal in light of the revised Framework.
6. A signed and dated section 106 agreement, dated 12 November 2018, was submitted prior to the Hearing. The agreement relates to notification of when material works are to start on the development; affordable housing; a viability review; the development being car free; a travel plan; training and employment opportunities; the Considerate Contractors Scheme; and, sustainability and energy. I shall refer to this later.

Main Issues

7. The main issues are as follows:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the balance and mix of housing supply in the Borough;
 - The effect of the development on the living conditions of neighbouring residents, with particular regard to sunlight, daylight and outlook;
 - The effect of the development on highway and pedestrian safety; and,
 - Whether the development would provide adequate access for emergency services vehicles

Reasons

Character and Appearance

8. The appeal site comprises a vacant, four-storey industrial building with an attached single-storey office building and a detached storage building. The site is set back behind two and three-storey buildings that front onto Manor Park Road. Access to the site is via an access road directly off Manor Park Road.
9. Properties within the locality are predominantly three-storey in height although there are some examples of four and five-storey properties, most notably the building directly opposite the entrance to the site, the Royal Oak public house on the junction of Manor Park Road/Park Parade/High Street and the building on the appeal site. The uniform height of properties fronting Park Parade and Harlesden Gardens makes a positive contribution to the character and appearance of the area. Whilst there is uniformity of building heights along part of Manor Park Road, particularly to the north of the entrance to the appeal site, this is punctuated by the lower level Salvation Army and Picture Palace buildings and the industrial building on the appeal site, which although is well

screened from much of the road, it is prominent when viewed from the access point. Therefore, the height of buildings around the entrance to the appeal site is less of an important feature of the streetscape than in other parts of the locality.

10. The existing buildings are currently disused and have been for some time. Whilst the historical industrial heritage of the main building affords some positive contribution to the character and appearance of the area, this is countered by its state of disrepair and lack of engagement with the streetscene.
11. The appeal site is the subject of Site Specific Allocation 11 (Manor Park Road) in the London Borough of Brent's Specific Allocations Document 2011. The allocation provides an indicative figure of 30 units. The site is also allocated, along with the neighbouring Salvation Army building, for residential development in the draft Harlesden Neighbourhood Plan, which provides an indicative housing capacity of 31 units.
12. The proposed extension to the appeal building and the proposed new building would be seven-storeys and eight-storeys in height respectively. In terms of the number of storeys, the buildings would, on the face of it, be significantly taller than the existing building on the site. However, the height of the converted building would be approximately only 2m higher than the ridge height of the existing building, despite there being three additional storeys (including one at lower ground floor). The proposed new building would only be one-storey taller than the converted building, with the two top floors being set back from the west elevation, thus reducing its mass. Moreover, the floor to ceiling height of the surrounding traditional properties are greater than the proposed extension and new building. Therefore, the surrounding buildings are actually higher than their number of storeys would suggest. The Royal Oak public house is a prime example of this.
13. The new building would be located to the north of the retained building. As a result, much of the building would be screened from views off Manor Park Road by the frontage buildings. Whilst the upper floors of the building may be visible when approaching in a southerly direction along Manor Park Road, it would not be readily apparent and would not detract from or dominate the frontage buildings, despite it being higher. Both of the buildings would also be visible through glimpsed views between properties on Harlesden Gardens and Park Parade and from Rucklidge Avenue. However, these would be limited to only very small sections of the buildings and would be further screened by trees on the rear boundary of these properties and the adjacent school.
14. The converted building would retain much of its traditional features. The upper floors would be set back behind a series of vertical columns that would break up the mass of the extension element. There would also be a number of balconies that would provide some depth to the front and rear elevations, further breaking up its mass. The two upper floors of the proposed new building would also be set back and the front elevation would be split into four different elements at slightly different angles to each other. This, in addition the recessed balconies, would also create depth and break up the mass of the building.
15. Whilst the buildings would be significantly higher than surrounding neighbouring properties, their backland position would ensure that the majority

of the buildings are well screened from public views. The main vantage point where the development would be visible from the public realm would be at the entrance to the site, from which point much of the converted building would be visible. However, due to its set back position from the road and neighbouring properties and only being approximately 2m higher than the ridgeline of the existing building it would not dominate the streetscene. Moreover, the retention of much of the existing traditional architectural features of the building with more contemporary features would provide some visual interest and the active use of the site would indeed enhance the character and appearance of the area.

16. SPD1 defines tall buildings as structures that are more than 6m taller than the local context or 30m and over. The converted building and the new building would not be 6m taller than the existing building. However, they would likely be 6m taller than the surrounding context, which is predominantly comprised of three-storey properties. Therefore, for the purposes of the development plan, the proposals would be tall buildings.
17. SPD1 states that the forthcoming Tall Building Strategy, Local Plan site allocations and local policies such as the Wembley Area Action Plan and Alperton Masterplan will identify sites where tall buildings may be appropriate, provided they are of outstanding design quality and meet relevant design guidance. There is no evidence before me that the site is identified as being appropriate for tall buildings. Therefore, the proposal would conflict with SPD1 in this regard. However, due to their backland position behind frontage properties, the buildings would not be read as tall buildings. Indeed, the proposal would likely improve the character and appearance of the area. Accordingly, I attribute very limited weight to the conflict with SPD1.
18. The proposal would have a density of 310 units per hectare. This is significantly higher than the 70-260 units for such an area as set out in Policy 3.4 of the London Plan 2016 (the London Plan). The Council contend that the high density of the development, in addition to the height of the buildings, would result in an overdevelopment of the site. However, these figures are only a guide and should not be applied mechanistically. Policy 2.36A of the London Plan encourages higher density housing to support regeneration. Given the good public transport accessibility of the site and its sustainable location, in this instance, there is no substantive evidence before me to indicate that the density of the development would have a significantly harmful effect on the area. Therefore, whilst I acknowledge that there would be numeric conflict with the guidance set out in Policy 3.4 of the London Plan, I cannot find any demonstrable harm that would result from it. Accordingly, I attribute very limited weight to this harm.
19. I find therefore that, whilst there would be some conflict with policies setting numeric density and with regard to tall buildings, the proposal would not harm the character and appearance of the area. As such, I find no conflict with Policies 3.5, 7.4 and 7.6 of the London Plan (the LP) and Policy CP6 of the London Borough of Brent Core Strategy (the CS) 2010, which, amongst other things, seek to ensure that development promotes good design that respects local context and townscape, including character, bulk and scale. I also find no conflict with Policy DMP1 of the London Borough of Brent's Local Plan Development Management Policies (the DMP) 2016, which seeks to ensure that development complements the locality. Furthermore, the proposal would also

comply with the guidance set out in the London Borough of Brent's Design Guide for New Development Supplementary Planning Guidance (SPG17).

Housing Supply

20. Policy CP2 of the CS states that 25% of new homes should be family sized, which is defined as 3 bedrooms or more. Policy CP21 of the CS supports Policy CP2 by stating that there should be an appropriate range and mix of self-contained accommodation types and sizes, including family sized accommodation on suitable sites providing 10 or more homes.
21. The proposal would provide seven 3 bed units, which would be 16% of the total units. This is clearly less than the 25% figure set out in Policy CP2. However, Policy CP2 is a strategic policy, setting out the housing target for the Borough as a whole. It sets out a target that 25% of all new homes in the Borough should be family sized homes. I do not consider that it requires all development to provide 25% family sized homes. Policy CP21 provides a more flexible and pragmatic approach, in that the range and mix of housing provided should be *appropriate*. I acknowledge that the Council have recently approved a number of schemes that provided less than 25% 3 bedroom units. Whilst the details of these schemes are not before me, it suggests that the 25% target is flexible. However, the specific details of these schemes is not before me, therefore I attribute them limited weight.
22. The Draft London Borough of Brent Strategic Housing Market Assessment Update August 2018 supports Policies CP2 and CP21 by identifying that there is a need for 28.1% of new properties to be 3 bedroom units. This is across the Borough as a whole and not specific to Harlesden. Nevertheless, the Draft Harlesden Neighbourhood Plan 2018 states that Policy CP2's requirement of 25% of new housing to be family sized should be applied to Harlesden. I note that the HNP is not adopted and therefore is subject to changes. Accordingly, I attribute it limited weight.
23. Notwithstanding the need for 3 bedroom family sized homes, there is also a need for 2 bedroom homes. The Housing Needs Assessment, dated April 2016, prepared by AECOM on behalf of the Harlesden Neighbourhood Forum states that the majority of flatted provision should be 2 bedroom units. The Draft London Plan (the DLP) notes that although family units have historically been considered to be those consisting of three or more, many families do live in two-bedroom units and this should be taken into account when assessing the needs that different sized units can meet. 32 of the 45 units proposed would be 2 or 3 bedroom units, which equates to 71% of the total units. Although the DLP is not yet adopted, and therefore is attributed limited weight, the consideration of 2 bedroom units as providing some family accommodation seems to me to be a reasonable approach.
24. I have also had regard to the site's very high PTAL rating; the development of the previously developed site, including the retention of a large extent of the existing building; and, the pressing need for housing in the borough. These matters justify the high density of the development where smaller family homes would be more appropriate.
25. Overall, it seems to me that whilst there is an identifiable need for family sized dwellings, the proposed provision of 2 bedroom flats and 3 bedroom units would make a significant contribution towards this need and the range and mix

of housing would be appropriate. As such, I find no conflict with Policies CP2 or CP21 of the CS. I also find no conflict with Policy 3.8 of the LP, which states that developments should offer a range of housing choice.

Living Conditions

26. The proposed new building would be within proximity of the rear of neighbouring properties fronting Manor Park Road. As a result, the building would be dominant in views out of the rear of these properties, in particular Nos 34, 36 and 38 Manor Park Road.
27. SPG17 sets out a 30 and 45 degree rule to assess whether the proximity of buildings to each other would have an overbearing or over dominant effect on their occupants. The appellant has carried out such an assessment which indicates that the 30 degree rule would be slightly breached. However, the 45 degree calculations have been taken from the rear elevation windows instead of the rear garden boundary. Carried out correctly, the building would clearly breach the 45 degree rule.
28. However, SPG17 goes on to state that in more intense urban areas these figures may be altered to a level that is consistent with the existing area character. Furthermore, it states that innovative high quality architectural solutions may enable such negative impacts to be reduced by redistributing the bulk and massing of the new proposals.
29. There is an existing high hedge on the rear boundary of these properties, which would be replaced with additional planting. This would reduce the visual bulk of the building when viewed from these rear gardens. Furthermore, the new upper floors of the building would be stepped back, thus reducing their visibility and the elevation fronting these properties would be split into different angles, further reducing its bulk.
30. In addition, a Daylight and Sunlight Assessment, dated May 2017, undertaken by Herrington Consulting Limited indicates that whilst the loss of light would be noticeable, the natural lighting in the existing adjoining properties would meet BRE standards. Furthermore, a Vertical Sky Component Assessment, No Sky Line Assessment and Average Daylight assessment showed that the proposed scheme meets BRE standards.
31. Whilst the proposal would breach the 30 and 45 degree rules set out in SPG17, I consider that its design and improved planting would mitigate any harmful effects as a result of these breaches and therefore would not result in any significant loss of outlook or light to neighbouring properties.
32. I have also had regard to the effect of the development on the privacy of neighbouring residents. I am satisfied that there would be adequate separation distances between the development and neighbouring residential properties fronting Manor Park Road. During my site visit, I also noted the proximity of the existing building to the rear elevation windows of properties fronting Park Parade. It was suggested by the appellant that the windows in the eastern elevation of the building would be obscure glazed, which could be secured via a condition. However, I am satisfied that any overlooking would not have a significantly detrimental effect on the living conditions of the occupants of these properties and therefore such a requirement is not necessary.

33. I find therefore that the proposal would not significantly harm the living conditions of the occupants of neighbouring residential properties. As such, I find no conflict with Policy DMP1 of the DMP, which, amongst other things, seeks to protect residential amenity. I also find no conflict with Policy 7.6 of the LP, which similarly seeks to protect residential amenity.

Highway Safety

34. The development would utilise the existing access road to the site, which is constrained by the Salvation Army building to the west and a close boarded timber fence to the east. The width of much of the road between the boundaries is approximately 3.9m wide. There is no dispute between the parties that a minimum width of 4.1m is required for two cars to pass each other. Much of the access road would fall short of this.
35. The site would be an almost car free development with the only parking spaces on site being two disabled spaces. As a result of it being car free, according to TRICS data, there would be 17 vehicular movements per day, which would equate to less than nine vehicles entering the site and then exiting it. Based on this data, the traffic movements within the site would be negligible and any potential conflict on the narrow part of the access road would be unlikely. The appellant has also provided a tracking plan indicating that a 7.5t box van can enter and exit the site in a forward gear.
36. In such instances where a car wishes to enter the site whilst another car is exiting, there is sufficient forward visibility for the drivers to see each other. There would be room for the car entering to manoeuvre off the road and wait in the entrance to the site, which exceeds 4.1m wide, for the other car to exit. Even if the car had to wait on Manor Park Road until the car exited the site, given the likely infrequency of such an occurrence, whilst it would inconvenience other road users for a brief amount of time, I do not consider that it would represent a significant risk to highway safety.
37. The Council contends that the TRICS data is not accurate as it does not account for deliveries made to the site by, for example, couriers, takeaways and supermarkets. I acknowledge that such deliveries are becoming more common place. It is likely that some deliveries would make multiple drop-offs at a single visit to the site, which would lessen the number of traffic movements. Moreover, the site is located within close proximity to a range of shops, including supermarkets, so the need for deliveries to be made would be reduced. As the proposal is for only 45 units, I do not consider that the number of traffic movements accounted for by deliveries would have a marked difference to the TRICS data to such an extent that it would cause any unacceptable risk to highway safety. I have also had regard to removal vehicles. However, these would likely to be so infrequent as to not have any material effect on traffic movements.
38. The access road would be a shared surface for both vehicles and pedestrians. Whilst this raises potential conflict between the two users, given the anticipated low vehicular movements, including those of delivery vehicles, refuse collection vehicles and emergency vehicles, such conflict would be negligible. As there would be good forward visibility along the road, drivers and pedestrians would clearly see each other and manoeuvre accordingly. Moreover, vehicular speeds are likely to be very low on the access road, further minimising the risk to pedestrians.

39. I have had regard to the existing use of the site. Whilst it has clearly not been in use for some time, the potential traffic and pedestrian movements generated if it was brought back into use would be considerably greater than that proposed. As a result, the proposal would likely improve highway safety by reducing the number of vehicles potentially entering/exiting the site and using the surrounding highway network.
40. I note the concern raised regarding the lack of visibility within the site due to the rear wall of the Salvation Army building. However, given the very slow vehicular speed at this point, it would not represent an unacceptable risk to pedestrian safety.
41. I find therefore that the proposal would not represent a significant risk to highway or pedestrian safety. As such, I find no conflict with Policy DMP1 of the DMP, which seeks to ensure that development is satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.

Emergency Services' Accessibility

42. The Council also raise concern that the constrained access would impede emergency vehicles needing to enter the site. The tracking plans submitted by the appellant indicate that a fire engine could enter and exit the site in a forward gear. As other emergency vehicles are typically smaller, it is evidently clear that they could similarly manoeuvre in such a way.
43. Should a vehicle or pedestrians be exiting the site as an emergency vehicle is wishing to enter it, there would only be a brief movement in time when the vehicles would need to manoeuvre accordingly in order to pass. This may result in the emergency vehicle having to wait on the road, but this would only be for a matter of seconds. In any event, such instances would be unlikely given the limited traffic movements generated by the site.
44. With regard to the fire service having access to the site, during the Hearing the appellant confirmed that the fire service had been consulted during the design stage of the proposal and that their preferred option would be to park on Manor Park Road and link up with the dry riser in the buildings. This would negate the need for a fire engine to enter the site.
45. As such, I am satisfied that the proposal would not unacceptably comprise the emergency services' accessibility to the site. As such, I find no conflict with Policy DMP1 of the DMP.

Other Matters

46. The appeal site is located outside of the Harlesden Conservation Area (the CA). The Council have raised no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the Conservation Area. As I have found that the proposal would not significantly harm the character and appearance of the area, I find that that it would have a neutral effect on the significance of the CA and therefore would preserve its character and appearance.
47. The planning obligations in the s106 agreement have to meet the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122 in order for them to be taken into account in my determination of this appeal. These tests

are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. These tests are also identical to those set out in paragraph 56 of the Framework.

48. The s106 agreement would ensure that notice is given to the Council of the owner's intention to make a material start on the works; secure on-site provision of 8.9% affordable housing; a Viability Review is provided; the development is car free; a Travel Plan is provided; training and employment is provided to local people in local jobs; the owner joins a Considerate Contractors Scheme; and, an Energy Assessment is provided that demonstrates how the development will be constructed to achieve energy targets including a minimum 35% improvement on the target emission rates and 35% site energy demand to be off-set through on-site renewable energy generation and on-site CHP system. From the evidence before me, I am satisfied that the planning obligations meet the tests in CIL Regulation 122 and paragraph 56 of the Framework.
49. Concern has also been raised over the proximity of the development to the adjacent playing fields associated with the neighbouring school, the Convent of Jesus and Mary Language College. The playing fields are already overlooked to some degree by properties fronting Harlesden Gardens. Windows in the rear elevation of the proposed new building, and those in the converted building to a lesser extent, would overlook the playing fields. However, the windows in the new building would be at an angle, thus reducing the degree of overlooking. It is not uncommon, particularly in built-up urban areas, for school grounds to be overlooked by neighbouring properties. I note that there is no policy or guidance presented to me that specifically relates to overlooking schools. Whilst I fully appreciate the concerns regarding student safety, I do not consider that the overlooking of the site by the development would represent a danger to them. In addition, whilst the development would cast shadow over some of the playing fields, I do not consider that this would significantly harm their usability.
50. Concern has also been raised regarding the level of sunlight and daylight serving the proposed residential units. However, the Daylight and Sunlight Assessment also confirms that that the provision of natural daylight will meet or exceed the minimum required threshold set out in both the BRE Guidelines and the British Standard (BS) 8206-2:2008: 'Lighting for buildings - Part 2: Code of practice for daylighting' for the majority of rooms. Furthermore, the vast majority of units will receive very good levels of all year and winter sunlight. Whilst a very small number of rooms would fall short of the relevant standards, this shortfall would only be negligible, and I am satisfied that they would provide adequate living conditions for future occupants. I am also satisfied that the outdoor amenity spaces would also be served by adequate levels of natural daylight, in particular the roof terraces.
51. The proposal would provide private outdoor amenity space for the ground floor units and shared space, including roof terraces, for the remaining units. I note the concerns raised regarding the usability of the spaces, in particular the terraces. However, it is not uncommon for amenity space to be provided on terraces such as this and there is no evidence that such spaces are not sufficiently usable. I find that the proposal would provide sufficient outdoor

amenity space, in terms of both quantity and quality, to meet the needs of its occupants.

52. Concerns have also been raised regarding crime in the area and the potential for the access road to attract illegal activities. However, pedestrians would frequently use the road and it would be overlooked by a number of flats. Consequently, there would be a significant level of natural surveillance that would likely deter any potential wrongdoers.

Conditions

53. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
54. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
55. In the interests of water conservation, a condition is necessary regarding the limitation of water usage.
56. In the interests of highway and pedestrian safety and promoting sustainable forms of transport, conditions are necessary regarding the provision of refuse and recycling, cycle storage and disabled parking bays.
57. In the interests of the character and appearance of the area and neighbouring residential amenity, conditions are necessary regarding fencing, walls, gateways, means of enclosure, landscaping and external lighting.
58. In the interests of providing inclusive development, a condition is necessary requiring a minimum of 10% of the units are wheelchair accessible or meet easily accessible/adaptable standards.
59. In the interests of the character and appearance of the area, a condition is necessary regarding external materials.
60. A condition is necessary regarding foul and surface water drainage in the interests of highway safety and the avoidance of flooding.
61. In the interests of public health, conditions are necessary regarding the submission of an Air Quality Neutral Assessment and land contamination study.
62. Also, in the interests of highway safety and neighbouring residential amenity, a condition is necessary regarding the submission of a Construction Management and Logistics Plan.
63. It is essential that the requirements of conditions 12, 13 and 16 are agreed prior to the development commencing to ensure an acceptable form of development in respect of safeguarding public health, highway safety and protecting residential amenity.

Conclusion

64. I have found that the proposal would not significantly harm the character and appearance of the area; would provide an appropriate mix of housing; would not significantly harm the living conditions of neighbouring residents; would not result in any significant risk to pedestrian safety; and, would provide adequate access for emergency services.

65. There would be very limited conflict with Policy 3.4 of the London Plan in respect of density and SPD1 in respect of the site not being identified as appropriate for tall buildings. However, individually or cumulatively, this very limited conflict does not justify the dismissal of the appeal when considered against the development plan as a whole.
66. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2128-00-DR-0002 P02, 2128-00-DR-0001 P02, 2128-00-DR-0050 P02, 2128-00-DR-0010 P02, 2128-00-DR-0011 P02, 2128-00-DR-0012 P02, 2128-00-DR-0013 P02, 2128-00-DR-0015 P02, 2128-00-DR-0016 P02, 2128-00-DR-0017 P02, 2128-00-DR-0018 P02, 2128-00-DR-0020 P01, 2128-00-DR-0051 P02, 2128-00-DR-0052 P03, 2128-00-DR-0108 P03, 2128-00-DR-0109 P06, 2128-00-DR-0110 P04, 2128-00-DR-0111 P03, 2128-00-DR-0112 P03, 2128-00-DR-0113 P03, 2128-00-DR-0114 P03, 2128-00-DR-0115 P03, 2128-00-DR-0116 P03, 2128-00-DR-0117 P03, 2128-00-DR-0401 P04, 2128-00-DR-0402 P04, 2128-00-DR-0403 P02, 2128-00-DR-0412 D06, 2128-00-DR-0601 P04, 2128-00-DR-0602 P03, 2128-00-DR-0603 P03, 2128-00-DR-0604 P01, 2128-00-DR-1400 P03, 2128-00-DR-1401 P02, 2128-00-DR-1402 P02 and 2128-00-DR-1403 P02.
- 3) Prior to the first occupation of the development hereby approved, confirmation shall be submitted to and agreed in writing by the local planning authority demonstrating that the development has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.
- 4) The refuse and recycling, cycle storage and disabled parking bays as shown on the approved plans shall be provided prior to the occupation of the development and shall be retained as such thereafter.
- 5) Prior to the occupation of the development hereby approved, details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to the occupation of the development hereby approved and shall be retained as such thereafter.
- 6) Prior to the commencement of the superstructure (not including any demolition, groundworks or formation of the basement) a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing

- trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 8) No less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or meet easily accessible/adaptable standards (Building Regulations M4(2)).
 - 9) Prior to the commencement of the superstructure (not including any demolition, groundworks or formation of the basement) details of external lighting shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to the occupation of the development.
 - 10) Prior to the commencement of the superstructure (not including any demolition, groundworks or formation of the basement) details of materials for all external work, including samples to be provided on site for inspection and/or manufacturer's literature, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 11) Prior to the commencement of drainage works, a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to the occupation of the development and shall be retained as such thereafter.
 - 12) No development shall take place until an Air Quality Neutral Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall be undertaken in accordance with the guidance published by the Greater London Authority and shall include appropriate mitigation proposals should it be found that the development is not air quality neutral. The development shall be carried out in accordance with the assessment and any approved mitigation measures shall be implemented prior to the occupation of the development and shall be retained as such thereafter.
 - 13) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 14) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 15) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing within 30 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 30 days and approved in writing within 30 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
- 16) Prior to the commencement of development, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full during the construction of the development.

APPEARANCES

FOR THE APPELLANT:

Angela Schembri	RPS Planning
Stephen Grocock	Beckley Group
Iskander Karam	Beckley Group
Stephen Rigg	CZWG Architects
Richard McCulloch	DTA Transport
Simon Herrington	Herrington Consulting
Katherine Beeching	Herrington Consulting
Karl Wallasch	Hoare Lea

FOR THE LOCAL PLANNING AUTHORITY:

Barry Henn	London Borough of Brent Council
Damian Manhertz	London Borough of Brent Council

INTERESTED PERSONS:

Councillor Claudia Hector	Local Councillor
Ian Britton	Rucklidge Avenue Resident's Association
Michelle Martinoli	Local Resident
Anne Perez	Local Resident
Lucy Owen	Local Resident
Violet Smart	Local Resident
Rebecca Elliot	Local Resident
Rita Taylor	Local Resident
Ann Rabbitt	Local Resident
Angela Hicks	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Brent Design Guide Supplementary Planning Document 1 (SPD1) 2018 – submitted by the Council