



## Planning Committee

**Wednesday 11 April 2018 at 7.00 pm**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### Membership:

#### Members

Councillors:

Marquis (Chair)  
Agha (Vice-Chair)  
S Choudhary  
Colacicco  
Daly  
Hylton  
Maurice  
Moher  
W Mitchell Murray

#### Substitute Members

Councillors:

Ahmed, A Choudry, Ezeajughi, Hoda-Benn,  
Kabir, Naheerathan, Pitruzzella and Thomas

Councillors

Davidson and Shaw.

**For further information contact:** Joe Kwateng, Governance Officer  
020 8937 1354 ; [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:  
**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 6.00pm in Boardrooms 7 and 8**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting		1 - 8
<b>PART 1- APPLICATIONS FOR DECISION</b>		
3. 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 17/0322)	Willesden Green	13 - 44
4. 13 Wyndale Avenue London NW9 9PT(Ref. 17/1011)	Fryent	45 - 60
5. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting: To be confirmed at the Annual Council meeting on 14 May 2018.**



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 14 March 2018 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Agha (Vice-Chair), Moher, S Choudhary, Daly, Kabir, Maurice and W Mitchell Murray.

ALSO PRESENT: Councillors Jones MBE and Miller.

Apologies for absence were received from Councillors Colacicco (for whom Councillor Kabir substituted) and Hylton.

#### 1. Declarations of interests

3. Capitol Industrial Park, Capitol Way NW9 0EQ 17/0837  
Councillor Kabir (substitute) declared that she had attended an exhibition arranged by the agent and that she had been approached by both objectors and the applicant. As such she would leave the meeting room after her presentation without taking part in the discussion or voting.

#### Approaches

3. Capitol Industrial Park, Capitol Way NW9 0EQ 17/0837  
All members had received an email from Mr Dan Hulsmann (objector).
- 6 1-12 INC, Queens Parade, Willesden Lane, NW2 5HT (Ref. 17/0322)  
All members had received an email from Rachel Leharne (objector).  
Councillor Marquis had received an email from the Willesden Green Town Team (WGTT).

#### 2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 14 February 2018 be approved as an accurate record of the meeting subject to the following amendments:

Page 2 paragraph 3 (sentence 2) delete "door"

Page 2 paragraph 5 (sentence 2) after existing door, insert "the current main entrance".

#### 3. 1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ

PROPOSAL: Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to nine storeys and eight three storey mews houses, and the erection of a two storey commercial building, providing a total 4,051m of flexible commercial floorspace (B1(a),(b) and (c), B8, D2 and A3) across the site and 414 residential units including a mix of studio, 1, 2 and 3 bedroom units with associated basement car parking, cycle storage, plant and

shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.

RECOMMENDATION: That the committee resolve to GRANT planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Human Resources.

That the Committee resolve to GRANT planning permission subject to:

A. Any direction by the London Mayor pursuant to the Mayor of London Order

B. Any direction by the Secretary of State pursuant to the Consultation Direction

That the Head of Planning be granted delegated authority to issue the planning permission subject to a Section 106 Agreement, in order to secure the obligations set out in the report.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the report and any further informative(s) considered necessary by the Head of Planning.

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

That the Head of Planning be granted delegated authority to refuse planning permission should the Legal Agreement not be completed within 3 months of the date of the committee resolution.

The application was deferred from the previous planning committee meeting to allow the conclusion of the press notice consultation period which has passed and no further representations were received in relation to the application.

Victoria McDonagh (North Area Team Leader) introduced the report and addressed the following issues for which members sought clarification during the site visit; design, highways and transportation, infrastructure, quality of accommodation, impact on neighbours and carbon savings. Ms McDonagh advised members that following publication of the committee report on the previous agenda, the applicant had identified some inaccuracies within the report all of which had been addressed in the report.

In accordance with the Planning Code of Practice, Councillor Kabir, ward member stated that she had received emails from, and attended an exhibition arranged by the agents, and had been approached by residents. She expressed concerns about density, height, impact on local residents and overspill parking. She also raised concerns about the cumulative impact of developments in the area and consequent effect on the amenity of existing residents. Councillor Kabir suggested that if members were minded to grant permission then the applicant should contribute towards general improvements to the area and quality of life of the local residents.

Ms Jan Donovan, Mr Charles Dunnett and Mr Andrew Trowbridge (applicant's agents) addressed the Committee. Ms Jan Donovan explained the background to the application, and that it provided housing which would accord with the London Plan and Brent's planning policies. Members asked questions relating to public transport accessibility, provision of parking, air quality, contribution via S106 obligations to possible implementation of a CPZ, affordable housing review mechanism, construction timetable and logistics.

Mr John Fletcher (Highways and Transportation) responded to questions on the traffic impact of the development and the process for implementation of a CPZ to mitigate the impact of any overspill parking. Members discussed the proposal and raised concerns about potential impact on local surrounding areas from traffic and additional parking pressure.

Prior to making a decision, the Area Planning Team Leader provided a summary.

DECISION: Granted planning permission as recommended with an additional requirement that the Council would carry out a consultation on the principle of introducing a CPZ prior to start of the development.

(Voting for approval was carried as follows: For 6, Against 0 and Abstain 1).

*Note: Councillor Kabir having declared an interest and made her presentation left the meeting room and did not take part in the discussion or voting.*

#### **4. All Units, 253A Ealing Road, Wembley, HA0 1ET**

PROPOSAL: Demolition of the existing buildings on the site and the erection of 20 residential units comprising four 2 storey terraced houses (4 x 2bed houses) and two 4 storey residential blocks providing 16 flats (8 x 2bed and 8 x 3bed units), together with 5 associated car parking spaces, cycle storage, landscaping and access. (Revised description 19.10.17)

RECOMMENDATION: Resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement, and grant delegated authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Human Resources.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above, to issue the planning permission and impose conditions and informatives to secure the matters set out in the report.

That the Head of Planning be granted 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 the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning be granted delegated authority to refuse planning permission.

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

Ms Victoria McDonagh (Area Planning Team Leader) introduced the application and answered members' questions, relating to the principle of residential development, housing mix, viability and the provision of affordable housing, and the contribution towards affordable workspace, and traffic and congestion.

Ms Debora Kirk and Mr Harmit Vyas (objectors) addressed the Committee raising concerns about parking pressure, proximity to their houses, loss of residential amenities (privacy, overlooking and noise), overdevelopment of the area with other developments, causing pollution and excessive traffic. The speakers responded to members' questions on the residents' rejection of a CPZ.

Mr Oliver Milne (applicant's agent) stated that the application followed several years of positive engagement which would contribute to the Alperton Growth Area.

In the discussion members wanted further information about construction traffic, in particular the impact on Carlisle Road and the establishment of public rights of way through the site; they were concerned about the absence of a post-implementation viability review.

DECISION: Deferred for further clarification on;

- i) construction traffic
- ii) acceptability of a post implementation viability review,
- iii) public right of way through the site from Carlyon Close to 243 Ealing Road/Hatton Road and
- iv) details of the car scheme.

(Voting for deferral was unanimous as follows: For 8, Against 0 and Abstain 0)

**5. 1 Nash Way, Harrow, HA3 0JA**

PROPOSAL: Change of use of ten A1 supermarket parking spaces to car wash and valeting operation (sui generis) including erection of a canopy and cabin (Amended description 3.1.18)

RECOMMENDATION: That the Committee resolve to GRANT planning permission and that the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the report:

That the Head of Planning be granted 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.

Victoria McDonagh (Area Planning Team Leader) introduced the report and answered members' questions on the principle of the proposal and impact on the amenity of adjoining residential occupiers.

Mrs Mili Khatri (objector) stated that the proposed car wash would significantly increase noise nuisance through engine and machine noise and shouting from operatives to the detriment of the peaceful enjoyment of her family's lives. Mrs Khatri added that the proposal, in her view, would be of no benefit to the residents.

Ms McDonagh clarified that the application had been subject to noise assessment and reviewed by Environmental Health and the Noise Team, who were satisfied that there would not be an unacceptable impact. She accepted the suggestion of an informative relating to ecologically sound materials to be used in the car wash and to add "switch off engines" to the advertisement consent.

David Glover (Development Management Manager) advised that Environmental Health (rather than Planning) had stronger powers to monitor noise levels breach.

DECISION: Granted planning permission as recommended with additional informatives on;

- i) safety of washing materials and
- ii) inclusion of signage on the Advertisement Consent.

(Voting for approval was as follows: For 6, Against 1 and Abstain 1)

**6. 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT**

PROPOSAL: Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of 298sqm providing 5 commercial units (Use class A1) and entrance lobby for the

student accommodation, and use of basement level to provide retail warehouse floorspace of 243sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out in the report.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions (and informatives) to secure the matters set out in the report.

That the Head of Planning be granted 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 the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning be granted delegated authority to refuse planning permission.

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

Mr Chris Heather (Principal Planning Officer) introduced the report including matters raised in the supplementary in response to the site visit, and answered questions regarding changes to the scheme, impact on neighbouring amenity especially on overlooking and loss of daylight to Electric House, student facilities, meeting of housing targets, provision of student schemes in the Borough, status of the site allocation, size of retail units, height and design, servicing and student drop off/pick up arrangements.

Mr Heather referred to the consultation responses, which included letters of objection and of support, and outlined that some of the letters of support which came from nearby residential properties also referred to the individuals being a local businessperson but without specifying the business. Officers had not been able to verify that these residents were also local business people so members should consider the letters of support with that in mind.

Officers considered that whilst there would be some loss of light to the adjoining property, this was not sufficient to justify a refusal.

Ms Rachel Leharne (objector) expressed disagreement with the report. The proposal was unacceptable because the need for student accommodation had not been demonstrated, the use would cause disruption to residential amenity, it resulted in loss of daylight and sunlight and overlooking, that alternative uses had not been considered, and the application should be refused.

Mr James Ward (objector) objected to the use and lack of housing (including affordable), overdevelopment, noise nuisance, excessive density and overshadowing.

In accordance with the Planning Code of Practice, Councillor Miller, ward member stated that he had been approached by the applicant and objectors. Councillor Miller raised concerns about the impact on the residents of Electric House from loss of light and outlook, and the logistics of moving students in and out, impacting on traffic flow. Councillor Miller was concerned about setting a precedent for buildings of similar height which would alter the character of the area as well as place a strain on local infrastructure.

In accordance with the Planning Code of Practice, Councillor Jones MBE, ward member stated that she had been approached by the applicant and objectors. Having clarified her position as an objector, she expressed concerns about the lack of family housing, noise nuisance, adverse impact on local infrastructure including Willesden Green library and residential amenity.

Messrs Simon Toplis and Mr Simon Owen (applicant's agents) addressed the Committee outlining elements of the scheme and then answered questions regarding local business support including the existing "meanwhile users", suitability of the site for student accommodation because of good accessibility and town centre location, need for student accommodation, measures to mitigate impact on amenity, management of servicing and student arrivals/departures, CIL contribution towards local infrastructure.

Members also asked questions relating to the meantime spaces, use of the building in the summer holidays, recreational, communal and amenity space for students, any soil contamination, servicing and management arrangements.

In response Mr Toplis stated that as meanwhile use it would be subject to usual commercial arrangements, he expected many full time students to be there over the summer but vacant rooms could be let to visiting students, that each room would have sitting and kitchen areas, and there was a ground floor café. No soil contamination had been found but if further studies revealed it, this would be dealt with. Student arrivals/departures would be managed on an appointment basis and set out in the management plan.

Members still expressed concerns about the arrangements for loading and unloading at a busy junction of Walm Lane and Willesden Lane which also had bus stops. Mr Fletcher (Highways and Transportation) explained how it would work and that he was satisfied with it.

In summing up, Mr Chris Heather stated that it accorded with Council policy in relation to the provision of student accommodation due to its location within a town centre and good transport links, there was some impact on residents but overall, was not sufficient to withhold consent.

Having heard all submissions, members expressed concerns about the application and were minded to refuse the application for reasons set out in the decision column below. The application was thus deferred to the next meeting for officers to draft reasons for refusal for consideration.

DECISION: Minded to refuse and deferred to next meeting for a report to deal with the following;

- (i) Servicing arrangements, including student drop off and departure arrangements and consequent impact on the traffic flow and safety in the locality
- (ii) Quality of student accommodation (lack of recreational and leisure space within the building) and impact of student activity on the amenity of the area
- (iii) Loss of daylight to residents of 3 flats in Electric House.

Voting for refusal contrary to officers' recommendation was as follows:

For:	Councillors Marquis, Choudhary, Daly, Maurice, Moher and W Mitchell-Murray	(6)
Against	Councillor Agha	(1)
Abstain:	Councillor Kabir	(1)

## **7. Any Other Urgent Business**

None.

The meeting closed at 11.05 pm

COUNCILLOR S MARQUIS  
Chair

## PART 1 APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Brent comprises the following documents:
  - London Plan March 2016
  - Brent Core Strategy 2010
  - Brent Site Specific Allocations 2011
  - West London Waste Plan 2015
  - Wembley Action Area Plan 2015
  - Sudbury Town Neighbourhood Plan 2015
  - Saved 2004 Unitary Development Plan Policies 2014
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that

adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

#### **Provision of infrastructure**

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail. Similarly, Brent Council's CIL is also payable. These would be paid on the commencement of the development.
13. Brent Council's CIL provides an income stream to the Council to fund (either in whole or in part) the provision, improvement, replacement, operation or maintenance of the following types of new and existing infrastructure:
  - public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
14. except unless the need for specific infrastructure contributions is identified in the Section 106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. Full details are in the Regulation 123 List is available from the Council's website: [www.brent.gov.uk](http://www.brent.gov.uk).

16. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

**Further information**

17. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

**Public speaking**

18. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

**Recommendation**

19. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

11 April, 2018  
03  
17/0322

## SITE INFORMATION

RECEIVED	20 January, 2017
WARD	Willesden Green
PLANNING AREA	Brent Connects Willesden
LOCATION	1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT
PROPOSAL	Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of 324.5sqm providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation, and use of basement level to provide retail warehouse floorspace of 226.5sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level
APPLICANT	HTA Design and Tide Construction
CONTACT	HTA Design LLP
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></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_132271">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_132271</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></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="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/0322" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## INTRODUCTION

This application was reported to the Planning Committee on 14<sup>th</sup> March 2018. Members were minded to refuse planning consent and deferred the application to the next planning committee meeting, requesting that officers present a report to deal with their concerns and points of further clarification. This related to:

- The development's impact upon the living conditions of the adjoining occupiers due to the height, bulk and proximity of the proposed development to Electric House. Concern was raised over the proposal's impact in terms of loss of daylight and potential overbearing impact to the windows of three flats within the Electric House building;
- The quality of student accommodation, due to the insufficient provision of on-site facilities which was not considered to be off-set by the size of the rooms;
- The servicing arrangements, in particular, the student drop off and departure arrangements (at term start and end) and the associated impact on traffic flow and safety in the locality.

Since the application was deferred the Agent has contacted officers to discuss amendments that could be made to the scheme. The applicant has suggested that they would seek to reduce the impact of the development and try to address the concerns that were raised in the previous committee. The measures discussed would involve:

- A reduction of the height of the building to reduce the impact of the proposal on adjoining flats and amenity spaces.
- Alterations to the layout of the building to provide a communal recreational room within the basement of the development.
- Additional information set out in a Student Management Plan provided up front, including how the building would be serviced and how this matter is dealt with on existing similar sites.

When considering the suggested changes, while the precise level of decrease in the height of the building has not been set out by the applicant, the changes may be sufficient to overcome the Members' concerns. However, the amendments would need to be worked up by the applicant and the daylight analysis re-cast for the revised scheme. As such, it is not possible to present these suggested revised proposals to this planning committee meeting. Is it therefore recommended that the application is deferred to a subsequent planning committee meeting to allow the receipt of the revised proposals and supporting information and the re-consultation of neighbouring residents.

However, should members wish to determine the application at this planning committee, Officers continue to recommend that planning permission is granted. Although there are areas where the proposed development would not entirely comply with guidance, when considered on balance the benefits of the scheme would outweigh the negative aspects of the application.

Members can however choose what weight they consider should be given to the material planning considerations within the proposal and therefore could come to a different conclusion on these matters if they do not agree with the recommendation. The matters that members have expressed concern about have been discussed in this report.

### Light received by windows of three flats within Electric House

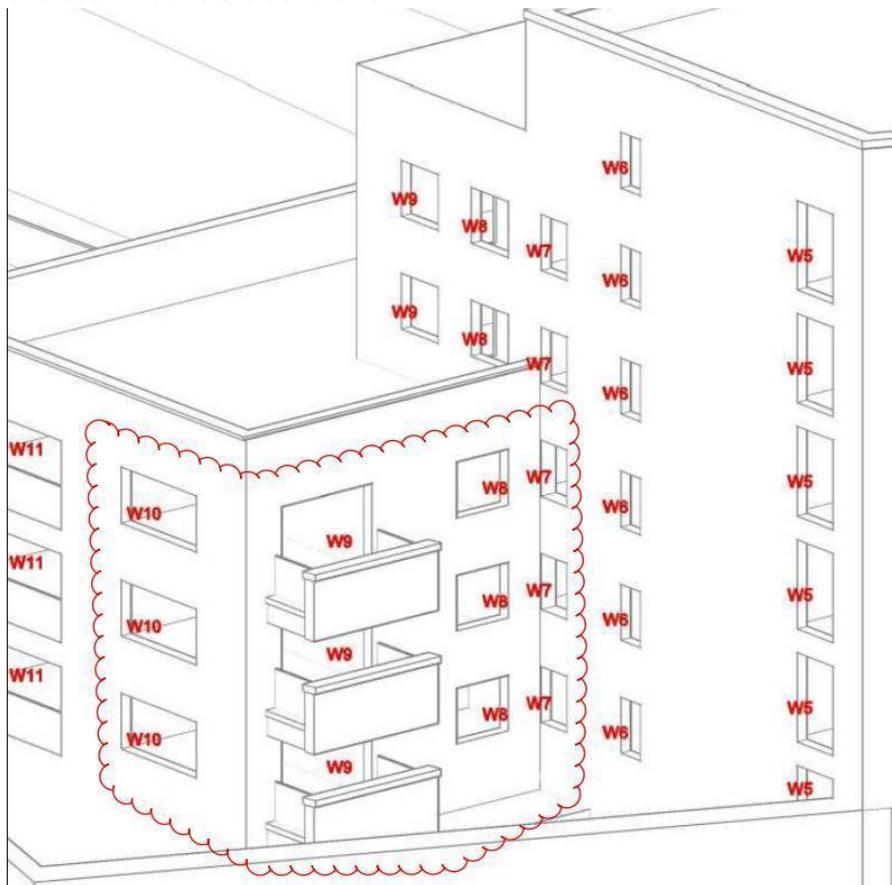
The adjoining development, Electric House, was designed to include three flats with windows that directly face the application site, situated at first, second and third floor level. There were set back from the boundary of the adjoining site, Queens Parade, to ensure that they did not prejudice the redevelopment of that site. The levels of daylight that will be received by these flats has been tested by the applicant with those results shown in the submitted daylight and sunlight assessment. An extract of the assessment showing the levels of daylight that will be received by those windows is as follows:

Floor	Window	Existing	Proposed	% former value	BRE Compliant
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First	W8	19.26	7.35	38	No
First	W9	11.04	0.65	6	No
First	W10	31.61	28.31	90	Yes
Second	W7	18.45	12.76	69	No
Second	W8	20.84	10.23	49	No
Second	W9	12.17	0.91	7	No
Second	W10	34.25	31.53	92	Yes
Third	W7	22.01	17.82	81	Yes
Third	W8	22.99	14.12	61	No
Third	W9	30.57	18.3	60	No
Third	W10	36.62	34.71	95	Yes

It should be noted that the first floor flat has one bedroom and window W7 serves a corridor on that floor which has not been tested.

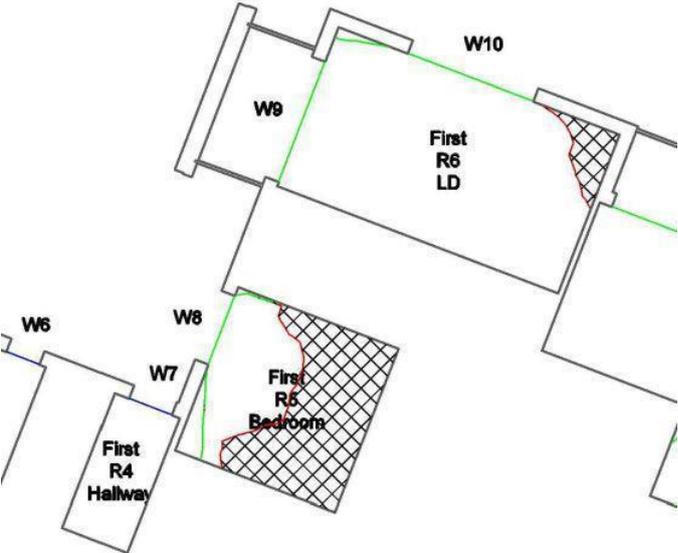
The location of those windows are as follows:



The projected levels of daylight show very significant reductions in some instance, with levels falling well below target levels (80 % of its former value or an absolute level of 27). Many of these windows do fail BRE daylight guidelines.

However, the presence of other windows that serve a room also affects the amount of daylight received by that room. The living room of each of the flats is served by windows W9 and W10, with window W10 receiving daylight in line with BRE guidance. When taking into account both of these windows, only a small element of the room is shown to be materially affected in terms of daylight. Daylight to a greater proportion of window W8 is affected, but only small elements of rooms W7 are affected. The affected areas are shown crosshatched on the following drawings which form a part of the submitted daylight and sunlight assessment:

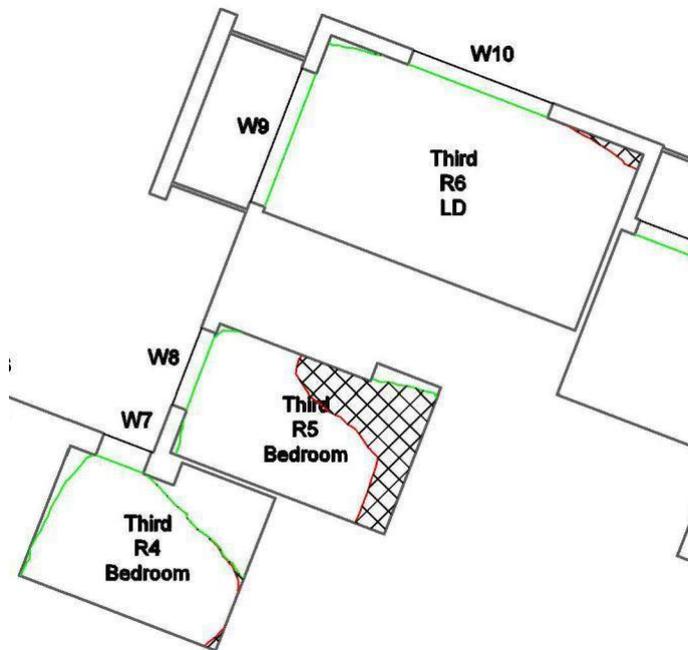
First floor:



Second floor:



Third floor:



In coming to the recommendation that the level of loss was considered to be acceptable, weight was given to the impacts of the Electric House development on the levels of daylight that would be received together with the fact that the site allocation envisaged the development of both the Electric House and Queens Parade sites. For example, levels of daylight reaching windows W9 will already be reduced by the presence of projecting balconies for the flats above (in relation to the first and second floor flats).

When weighing the benefits of the development of the adjoining site against the impacts of the proposal, officers considered that the level of loss of daylight was acceptable. However, the level of impact on some window does go beyond BRE guidance levels and members can differently apportion the weight of benefit against impact.

Communal facilities

Members have noted the absence of communal recreational facilities within the proposed development. The applicant clarified that they consider the rooms to be sufficiently sized and that these will include sitting and kitchen areas, and there is likely to be a ground floor café. Brent Policy DMP20 relates to the provision of student accommodation (and other accommodation with shared facilities) and part (b) of this policy sets out that such development will be supported where the development is of “an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/care and mobility”.

Most of the purpose built student accommodation buildings that have been granted planning consent in Brent recently have included an element of communal space, typically as recreational rooms or as study rooms (or both). However, as clarified in the main committee report, there are no adopted standards for the quality of student accommodation and therefore, no specific requirement written into policy or guidance for a specific type of communal room or amount of floorspace. Nevertheless, if members consider that the failure to include any communal recreation space (other than the seating within the lobby) to fail to represent the provision of appropriate communal facilities, contrary to policy DMP20, then a draft reason for refusal is set out below.

Servicing – student drop off and departure arrangements

Members expressed concern regarding the arrangement for the arrival and departure of students

at the start and end of the term respectively. During the committee meeting, members were concerned regarding the potential impact on highway flow and safety associated with the use of the area in Willesden Lane controlled by double yellow lines. They considered that there was insufficient information available to demonstrate that the use of this area could be adequately managed by the student accommodation operators to ensure that highway flow and safety issues did not occur.

The Transport Assessment submitted by the applicant included information relating to student arrival and departure at the start and end of term. This provided a framework within which a full, detailed student management plan would be developed and subsequently submitted and approved pursuant to a condition (should consent be granted).

Key measures included:

- Distribution of welcome packs prior to move-in setting out the arrangements for moving in and out (amongst other things);
- The management of deliveries to the building so that they do not coincide with the move in/move out process;
- Allocation of timeslots of 20 minutes to load/unload within a 30 minute time slot on specific moving days, with those students who do not arrive at the correct time being denied entry;
- That moving slots will be arranged on a Saturday or Sunday (primarily over 3-4 weekends) between 0800 and 1800, allowing for 20 slots per day;
- Room allocations for move-in spread throughout the building to minimise pressure of lifts/stairwells;
- Community Ambassadors or head office staff provided, including stewards to direct cars and staff to direct students to drop-off and reception areas and to provide other assistance.
- The provision of a temporary ground floor storage area to allow goods to be unloaded quickly from vehicles;
- The move-out experience is expected to be less constrained as individual courses finish at different times;

The Council's Highways officers have commented that there is sufficient space on the highway to allow the vehicles to stop to load or unload without affecting highway flow or safety (including access to the bus stop for busses). However, the concerns raised by members that highway flow and safety issues could occur if the management arrangements are not sufficient to ensure that appropriate procedures are followed.

As such, the applicant has expressed their willingness to prepare the full student management plan that was recommended to be secured through condition prior to the determination of the planning application. During the committee meeting, the applicant set out that such plans had been implemented for other student developments that they have delivered and were successful in the management of the move-in and move-out process. They have requested that the application is deferred to a subsequent planning committee meeting for the full plan to be submitted and considered.

#### Summary and draft reasons for refusal, should members be minded to refuse consent

As discussed above, officers continue to recommend that planning permission is granted for the development as currently proposed. However, given that members have specified that they are minded to refuse planning consent, the applicant have requested the ability to amend the proposal as set out above (reductions in height to address outlook and daylight concerns and the provision of additional communal student facilities) and to provide further detail regarding the arrangements for student drop-off and pick up, within a student management plan.

It is therefore recommended that the application is deferred to a subsequent planning committee meeting to allow the amendments and information to be submitted and for further consultation to be undertaken in relation to those amendments.

However, if members consider that the application should be refused in its current form the following reasons for refusal are suggested based on the issues raised by members at the previous meeting.

1. The proposed development, by reason of its size and siting, would have an unduly detrimental impact on the amenities of the occupiers of the adjoining building, Electric House, by way of an unduly detrimental loss of light to and outlook from the windows of three residential units within that building. This is contrary to policy DMP1 of the Brent Local Plan Development Management Policies 2016 and Supplementary Planning Guidance 17;
2. The proposed development, by reason of failure to incorporate communal facilities appropriate to the use, would represent the provision of a poor standard of accommodation for future occupants, contrary to policy DMP20 of the Brent Local Plan Development Management Policies 2016.
3. The proposal, by reason of the failure to demonstrate adequate arrangements for the servicing of the building during student move-in and move-out periods, and having regard to the busy nature of the adjoining highway, is likely to result in conditions prejudicial to the free and safe flow of traffic on the surrounding highway network. This is contrary to Policies DMP1 and DMP12 of the Brent Local Plan Development Management Policies 2016.

The original report for the application is as follows:

## **RECOMMENDATIONS**

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Viability Review - In the event a Higher Education Institution or Student Accommodation Provider acting for and on behalf of a Higher Education Institution does not take up the operation and management of the development then the owner shall prior to occupation submit to the Local Planning Authority a Viability Review in order to secure the maximum quantum of affordable student accommodation possible within the development.
4. That the development is "parking permit restricted" - future occupants will not be eligible for on-street parking permits.
5. S278 Agreement to undertake highway works within the footway along the site frontage to resurface the footway
6. To pay to the Council upon commencement of development the sum of Fifty-one Thousand Pounds (£51,000), indexed, to be utilised by the Council towards public realm improvements for trees and street furniture in the vicinity of the development
7. Training and Employment - Prior to a material start (excluding demolition and piling) to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works. And, prior to a Material Start to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and in relation to the operational phase of the Development
8. Considerate Constructors Scheme

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents

3. Travel Plan
4. Occupation by students
5. Provision of servicing access
6. Approval of materials
7. Noise assessment
8. Restriction on satellite dishes
9. Water usage
10. Construction Environmental Management Plan (CEMP)
11. Air Quality
12. Delivery and Servicing Plan
13. Site Investigation and Remediation
14. Sustainable Urban Drainage
15. Details of cycle storage

#### Informatives

1. Party Wall Act
2. CIL liability
3. Ground water risk management
4. Thames water pressure
5. Asbestos
6. Notify highways of commencement of works and provide photographic survey of footway
7. Advertisement consent requirements
8. Best practice for control of pollution
9. Noise and vibration
10. Structural integrity
11. Licences
12. Highways Act
13. Vibration
14. Air Quality
15. Maximum standards for fire safety
16. Brent supports the payment of the London Living Wage

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 the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning is delegated authority to refuse planning permission.

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

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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## PROPOSAL IN DETAIL

It is proposed to demolish the existing parade of shops and replace them with a part six, part seven and part eight storey building over a basement.

The ground floor would consist of five commercial units (use class A1) with a total floor space of 298 sqm. The upper floors would consist of 117 student residential accommodation units (Sui Generis use). The student accommodation would be accessed via a ground floor entrance on the corner of the site.

The basement would consist of 236 sqm of floorspace that would provide a retail warehouse to be used by the five commercial units, as well as cycle and bin storage; laundry facilities and plant room for the student accommodation.

As part of the application the applicant also proposes enhancements to the public realm at street level which include additional trees, street furniture and paving.

## EXISTING

The application site is located on the corner of Walm Lane and Willesden Lane and currently consists of a single storey parade of shops known as Queens Parade with a gross internal area of around 580 sqm. The parade consists of twelve individual units that are mainly used for 'meantime' uses such as small businesses that are starting out. The site is located within primary shopping frontage of Willesden Town Centre and the Willesden Conservation Area but does not contain any listed buildings.

Electric House, which is a part 4/6/7 storey mixed use residential/commercial building, is located directly adjacent to the site. Rutland Park Mansions, an older four storey residential building, is located to the east of the site. There is a variety of building types and sizes found on the opposite side of Walm Lane and Willesden Lane leading to Willesden High Road. Willesden Green underground station is located approximately 240 metres to the north-east of the site and the site has a PTAL of 5. The site forms part of site allocation 28, which includes this site and Electric House. The site is also within an Air Quality Management Area.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Principle of use:** There is no objection in principle to the redevelopment of the site to provide student accommodation and five retail units. The site is considered to accord with Council policy in relation to the provision of student accommodation due to its location within a town centre and good transport links. The submission demonstrates a need for the student accommodation in line with Brent and London Plan policy. The retail units would contribute to the viability and vitality of the Willesden Town Centre. The principle of development is therefore considered to be acceptable.

**Representations received:** Objections were received from 20 local residents and one Councillor raising concerns regarding the loss of the retail units; harm to the high street; suitability of student accommodation at the site; parking/servicing, overdevelopment; impact on conservation the area and impact on neighbouring amenity. In addition to this 50 letters of support were received from local residents who stated that the existing buildings do not make best use of the site; the proposal will boost the local economy; the new units will improve the town centre; and the height is considered to be suitable.

**Demolition of existing building:** There is no objection in principle to the demolition of the existing retail units. While they are in a Conservation Area, the existing buildings do not share the distinctive characteristics which define the Willesden Green Conservation Area. The Site Specific Allocation encourages redevelopment of the site with a more intensive and better use of land. The loss of these buildings is considered to accord with policy provided the replacement building is of an acceptable design.

**Character and Appearance:** The proposal is considered to have a high quality design that has regard to the character of its surroundings including the conservation area and to not inappropriately challenge or dominate surrounding development.

**Impact on Neighbouring Amenity:** The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is considered to be acceptable, according with relevant Brent standards and BRE guidance.

**Parking & Servicing:** It is considered that the use of a 'permit free' agreement secured by condition would mitigate against parking concerns in the area. It is considered that the proposed servicing arrangements would be suitable for the site and would not materially harm the surrounding area.

## RELEVANT SITE HISTORY

A planning application was submitted in 2013 for the redevelopment of the site, but was subsequently withdrawn.

### 13/1122 – Withdrawn

Full planning permission withdrawn for the demolition of the existing buildings at 1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on ground floor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terraces

### 13/1123 – Withdrawn

Conservation Area Consent sought for the demolition of all existing buildings

Planning permission was granted in 1995 for the demolition of the shops and construction of a three-storey building. This was not implemented and the permission lapsed.

### 95/1656 – Granted

Demolition of existing buildings and redevelopment to provide 5 No. shop units comprising A1 and A2 uses and a cafe/restaurant (A3) and 14 No. flats on first and second floors (as revised by plans received 23/09/96 and 05/11/96).

### 95/1657 – Granted

Conservation Area Consent for demolition of all buildings on Queens Parade

### Planning history for adjoining site - Electric House

Permission was granted in January 2014 for the redevelopment of the adjoining property, Electric House, in January 2014. This 4 to 7-storey building containing 25 flats was completed in late 2015.

### 13/1428 – Granted

Demolition of existing office building and erection of a seven storey building comprising 25 residential apartments (11 x 1-bed, 13 x 2-bed and 1 x 3-bed) and 383sqm of retail floorspace on the ground floor with associated cycle parking, first floor rear communal roof terrace and associated landscaping and subject to a Deed of Agreement dated 02 December 2013 under Section 106 of the Town and Country Planning Act 1990, as amended

## CONSULTATIONS

Neighbour consultation letters were sent to 385 properties on the 01/02/2017.

Two site notices were displayed on 22/03/2017.

Press notice advertised on 30/03/2017.

Due to changes to the proposal (details of which are discussed in the main body of the report) neighbours were re-consulted on the 04/12/2017.

Two site notices were displayed on the 06/12/2017.  
A press notice was advertised on the 04/12/2017.

## Objections

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

Objection	Response
<b>Loss of retail units and harm to high street</b>	
Loss of existing affordable retail units.	The affordable units were implemented as "meanwhile" uses of spaces that were previously vacant. There is no planning obligation to maintain them as affordable retail uses and they could revert to full price retail units at any time. New retail units are proposed within this scheme.
The net loss of retail space would harm the high street.	This is discussed in paragraph 11 (below)
<b>Student Accommodation</b>	
Student accommodation would not be practical in this location, and would represent a transient population.	The site is located within a town centre with good access to public transport and is considered to be an acceptable location.
Student accommodation does not meet the definition of affordable housing and local need has not been demonstrated.	In line with London Plan policy, a planning obligation is recommended to secure affordable student accommodation by means of a viability review mechanism should a single educational provider not be brought on board. The applicant has demonstrated that there is a London wide need for student accommodation, again meeting relevant policy.
Local businesses need trade and student accommodation does not seem compatible with that.	The proposal would provide five additional retail units to the area and students would also contribute to existing local businesses and facilities in the area.
<b>Planning Application in 2013</b>	
A resident has raised concerns that a planning application in 2013 for 34 residential units was refused on the basis that the density would exceed London Plan and Brent Council recommendations. The density of the current proposal would exceed the density of that scheme.	The application in 2013 was withdrawn and a decision was not made. However the London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play. In this case the site is located within a town centre with good transport links and would provide a well-designed building and is therefore considered to be acceptable based on the number of habitable rooms proposed.

<b>Parking and Servicing</b>	
Impact on parking and servicing.	A parking permit restriction for future occupants would be secured. Servicing would take place to the rear of the site (see paragraph 37-38) and is considered to be a suitable and safe arrangement.
Impact on refuse services.	The impact on refuse services is considered to be acceptable and has been assessed by Transport and Planning officers - see paragraph 36.
Service vehicles accessing road beside Electric House would cause disturbance.	Service vehicles for the proposed development will share the service yard for the adjoining building (Electric House - see paragraph 36-38). A delivery and servicing plan is also to be secured by condition.
<b>Impact on Conservation Area</b>	
Overdevelopment of the site and impact on character of conservation area, and the density is too high	The scale of development is considered to be acceptable and the proposal would preserve and enhance the conservation area - see paragraph 27-31
The development bears no relationship to the local vernacular.	The proposal is a modern take on buildings in the area and is considered to be acceptable.
The demolition of the existing buildings would be detrimental to the conservation area	The existing buildings do not make a particularly positive contribution to the character of the Willesden Green Conservation Area, by reason of their single storey scale and the lack of traditional shopfront details as such the demolition of these is acceptable provided the replacement building is of an acceptable design.
<b>Neighbouring Amenity</b>	
Loss of light, overlooking and impact on residential units/communal space of Electric House.	The proposal would not unduly harm the amenity of neighbouring residents. Further details are contained in the 'Neighbouring Amenity' section of the report, paragraphs 16-26.
Noise and disturbance from students.	A student management plan would be secured by condition to limit disturbance to neighbouring residents.
Disturbance during construction work.	Noise and disturbance are primarily covered under Environmental legislation. However due to the scale of development and proximity of residential properties officers have recommended that a Construction Method Statement is secured by condition to mitigate against disturbance.

Increase in pests from higher number of people.	A management and servicing plan will be secured by condition to ensure that rubbish is stored and collected properly.
Inaccuracies in the Daylight/Sunlight report.	The applicant has submitted a revised Daylight/Sunlight report following requests from officers. The revised report is considered to be acceptable.
Failure to provide a scaled sectioned drawing.	All drawings submitted are to scale.

Cllr Long has objected to the proposal and raised the following points:

<b>Objection</b>	<b>Response</b>
There is a shortage of housing in Brent and student accommodation is not needed in Brent.	The applicant has demonstrated that there is a London wide need for student accommodation. The site allocation, which also includes Electric House, gave an indicative capacity of 17 residential units. 25 units have been delivered in Electric House. The combined sites therefore will not underdeliver housing when compared to the allocation.
The clock of Electric House was a temporary feature that was meant to be relocated onto the proposed building. Views of the clock would be obscured.	The clock would still be visible from Willesden High Road and Willesden Lane. Views to the clock are not a material planning consideration for this scheme.
What will the retail space in the basement be used for?	The space in the basement is proposed for storage and servicing ancillary to the retail units.
Is the bin storage sufficient and what arrangements are in place to control dumping? Will the management be paying the bulky item charge or will students be responsible.	The bin storage is considered to be sufficient and a servicing plan would be secured by condition. The bulky item charge would be a matter for the applicant and is not a planning consideration.

### **Support**

Cllr Jones has provided the following comments:

- Height acceptable when compared with other tall buildings in Walm Lane: Erin Court, Rutland.
- Frontage: would support a mix of shop sizes, perhaps to include very small retail units.
- Hope pavement space in front could continue to hold occasional "events".
- No car permits agreed but needs to be clear how shops would be serviced.
- Retain trees and bus stop location
- Approve of red brick. Entrance attractive.
- Clock on Electric House, from Electric House application: The clock would work well if relocated to

the Queens Parade roof.

To date 46 identical signed letters of support from local residents have been received. The main points from the letter are the following:

- The existing buildings do not make best use of the site
- The proposal will boost the local economy
- The new retail units will improve the Willesden town centre
- The height is suitable
- The changes to the public realm will make this part of the shopping area more attractive and will help the area

In addition to the letters of support four comments supporting the proposal have been submitted. The main points are the following:

- The view of Electric House clock will be maintained
- Westminster University would be good to approach as they have a site in Baker Street
- Red brick should be used and the shop frontages should conform to the design guide, landscaping should extend to the building by providing a green roof or wall and bird boxes
- Support the idea of flexible shop space
- Alternative accommodation should be found for the existing retail tenants in empty space along the High Road
- One of the spaces should be used as a technical hub with café for use by students and local people
- The area is in need of investment and regeneration
- The public realm improvements will help the area

A letter of support was received from the Head of Operations of Meanwhile Space CIC stating that the applicant has worked with them to provide space for start-up businesses. However the experience of the start-up businesses is that this particular side of Walm Lane does not benefit from the same level of footfall found on the opposite side of the road.

## **POLICY CONSIDERATIONS**

Development Plan:

London Plan consolidated with alterations since 2011 (March 2016)  
Development Management Policies, London Borough of Brent (2016)  
London Borough of Brent LDF Core Strategy 2010

Other material planning considerations:

NPPF (2012)  
Supplementary Planning Guidance 17 'Design Guide for New Development' (2002)  
Waste planning guide  
Mayor's Housing SPG

## **DETAILED CONSIDERATIONS**

**Background and Context**

1. The application site is part of a Site Specific Allocation (SSA) known as 28 Queen's Parade/Electric House as designated in the Site Specific Allocations Development Plan Document (DPD). The allocation was for mixed use retail and/or food and drink uses with residential above with the indicative residential development capacity set at 17 residential units. The low density was guided by the existing 1 to 3 storey context and the location of the site in a conservation area. The development approved on the neighbouring site Electric House achieved a much higher density than anticipated by the SSA with 25 units that have been constructed and are occupied.

### **Amendments since submission**

2. The ground floor of the proposal has been revised so that the entrances of all of the retail units occupy the primary frontage of the site. The student accommodation entrance would now be located adjacent to the service access route. The number of student rooms has been reduced from 120 to 117. The height of the building at the rear of the site has been reduced. Angled windows and obscure glazing have been proposed for the rear of the building to prevent overlooking to Electric House.

### **Principle**

#### SSA and the principle of Student Accommodation

3. As previously discussed the site forms part of a SSA that was originally identified for mixed use redevelopment for retail and/or food and drink with residential above and also improvements to the public realm along the pavement frontage. However this was for the entire site including both Queens Parade and the area that now consists of Electric House. The SSA for the site requires that the ability to redevelop both sites is considered and the Council previously encouraged both site owners to work together to produce a joint proposal for both sites. However despite efforts to do so this has not happened and only the Electric House part of the site has been developed to date. An application for a part residential part commercial development at the Queens Parade site was submitted in 2013 but was subsequently withdrawn later that year by the applicant as it was recommended for refusal by officers. One of the key reasons that the application was to be recommended for refusal was the standard of accommodation that would be offered to residents. This centred on the fact that the building if constructed would be largely north facing and residents would have poor access to sunlight. This is in part why the applicant has proposed to construct student accommodation as this type of accommodation is more temporary in nature with students only living there for nine months of the year. Consideration has also been given to the fact that the SSA originally envisaged 17 residential units across the entire site including the Electric House site. However 25 units have been constructed there and are occupied thereby exceeding the original target of 17. Therefore the main consideration in the acceptability of the principle of the development is the suitability of student accommodation at the site and also the impact on the Willesden Town Centre.

#### Student Accommodation

4. London Plan policy 3.8 sets out the need for housing choice to meet Londoner's requirements in terms of affordability, size and type. As far as student housing is concerned point (h) states that *strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with stakeholders in higher and further education and without compromising capacity for conventional homes*. Brent has and is providing a significant amount of student accommodation in Wembley and has been supportive of this use particularly where there has been a large amount of development contributing towards the London wide need.

5. DMP20 states that in the case of accommodation with shared facilities or additional support there are four clear criteria that must be met:

- a) located in an area with good access to public transport and other amenities, including shops (normally within 400m)
- b) is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/care and mobility;
- c) includes management arrangements suitable to its proposed use and size;

- d) demonstrates that there is a specific Brent, or in the case of education a London, need for the particular use which are secured by planning agreement relating to use of the land or to its occupation by members of specified educational institutions;

6. In terms of criteria a) the site has a PTAL of 5 and is located just over 200 metres away from an underground station and there are also regular bus services. This would provide access to numerous higher education institutions within approximately 40 minutes journey time from the site. The site is also located within a town centre consisting of numerous facilities and amenities that students could avail themselves of.

7. With regard to criteria b) the proposal would provide a good standard of accommodation. Although there are no specific standards for student accommodation all of the rooms would have internal areas of between 14 and 28 sqm exceeding 11.5 sqm which is considered to be the minimum size that is acceptable for a double bedroom as per the Technical Housing Standards. The building would provide an on site laundry facility within the basement that students could avail of themselves of. There are a larger number of units per core than would normally be acceptable for a residential development however due to the fact that this is a proposal for student accommodation it is considered acceptable.

8. With regard to criteria c) the applicant has stated that the operator would provide management arrangements. It is recommended that a student management plan is secured through condition to ensure that potential disturbances caused to neighbouring residents are minimised. The plan should include details of management and co-ordination of deliveries to the site, the process for assisting students in moving into/out of the premises at the start/end of the academic year, the pre-booking of arrival times and staff resourcing to assist this and management measures to address any noise and disturbance associated with the student use to address any potential late night/early morning noise and nuisance.

9. With regard to criteria d) London Plan policy 3.8 and DMP20 (d) require proposals for Student Housing to demonstrate that there is sufficient need for the proposed accommodation. A Student Marketing Demand Report has been submitted with this application which has found that student numbers have been increasing in recent years in London from students within the UK but outside London and also due to a large influx in the numbers of overseas students. The report has also provided a detailed demand and supply analysis of the student to bed ratio (SBR) in London. This analysis has found that the SBR is higher than the national average and based on the current number of beds available demonstrates that there is a London need for student accommodation to meet the needs of the increasing student population. Based on this assessment officers consider that the proposal would meet a London need and fulfil the criteria of DMP20 (d). The London Plan also supports a more dispersed distribution of accommodation in accessible locations away from the areas of greatest concentration in central London and secure accommodation that is more affordable. The applicant has submitted a letter from a student management company who works with a number of higher level institutions. While no specific educational provider is currently affiliated with the proposed development, a Section 106 clause will be sought in order to achieve this. In the event that no single educational provider is brought on board a viability review mechanism will be used in order to secure affordable student accommodation, in line with the aspirations of the London Plan.

10. A condition is also recommended to restrict the use of the accommodation so that it can not be occupied other than by full time students enrolled on UK accredited and based further education courses for not less than 39 weeks of the year. The remaining time, (outside term time,) the Council is content that the units may be rented out on short-term lets, perhaps assisting tourism within the summer vacation period.

#### Willesden Town Centre

11. The site is located within the primary shopping frontage of Willesden Town Centre. The existing parade of shops consists of 12 units with a gross internal area (GIA) of 590sqm. The proposal will result in a decrease in retail floorspace from an existing GIA of 590sqm to 298sqm resulting in a loss of 292sqm. This loss occurs as a result of the need to provide an entrance lobby for the student accommodation and core access to the floors above. The loss is also due to the creation of a purpose built off street servicing area to the rear of the site which is considered to be an improvement on the current situation in terms of highway safety.

12. The existing units currently provide temporary retail space for start-up businesses on short term leases through Meanwhile Space which is a community interest company. A letter of support has also been received from Meanwhile Space which has stated that the applicant who owns the units has worked closely with and supported the aims of the organisation to date. However the experience of start-up companies using Queens Parade is that this side of Walm Lane does not currently benefit from the level of footfall found on the other

side of the road. Although the reduction in units may lead to a slight contraction in footfall this is likely to be offset by the increased number of students on this side of Walm Lane. Meanwhile Space have also stated that the proposed scheme would create fit for purpose commercial units that tenants could grow into in the future which may also contribute to increased footfall. Although the units currently provide space for local start-up businesses there is a good deal of vacancy within this part of the borough and specifically within Willesden Green which could accommodate start-up businesses in the future.

13. The proposal would result in the creation of five retail units within the primary shopping frontage of Willesden Town Centre. The current arrangement between the applicant who owns the parade of shops and Meanwhile Space who provide the short term leases is a temporary one whilst the applicant has sought to develop the site. Paragraph 3.7 of DMP2 states that 'meanwhile use' is temporary use of vacant buildings for a socially beneficial purpose until such a time that they can be brought back into commercial use again. In this case the existing units have provided valuable start up space for local businesses but there is now a desire to bring them back into normal commercial use by the applicant which is also supported by Meanwhile Space who currently provided the leases to companies.

14. Due to the temporary nature of the existing arrangement and the fact that the site is located within Primary Shopping Frontage of Willesden town centre the principle of replacing the existing units with five purpose built retail units is considered to be acceptable and accords with the aims of the Local Plan in terms of supporting town centres.

15. The principle of student accommodation and five retail units at the site is therefore considered to be acceptable and complies with Development Management Policies DMP2 and DMP20.

### **Impact on neighbouring amenity**

16. The development would not result in undue material harm to the living conditions of adjoining and nearby residents for the reasons set out below.

17. Residential units are located directly to the north of the site in the upper floors of the properties along Walm Lane; to the east of the site in the form of Rutland Park Mansions which is a four storey residential building; Electric House to the south-east of the site, which is a seven storey residential building; and the upper floors of the properties that run along Willesden Lane to the south and south-west of the site.

### Mass

18. The existing parade of shops stand at one storey high and the proposed building would see an increase to a part 6/7/8 storey building which is a significant increase. However due to the separation distances between the proposed building and the residential units on Walm and Willesden Lane it is not anticipated that the building would appear overly dominant when viewed from these locations. With regard to Rutland Park Mansions to the east of the site, the front and rear building lines would be level with the existing building lines and the proposed building would also be set in by 9 metres from the existing side elevation. There are also no habitable room windows located in the side elevation of Rutland Park Mansions.

19. Electric House, the recently constructed building to the south/south-west of the site, consists of 25 self-contained units in an 'L' shaped building that surrounds a communal courtyard. A number of residents have raised concerns about an increase in mass and the potential that this could have on existing windows and communal/private amenity space. Habitable room windows are located on the northern side of Electric House as well as balconies. Consideration has been given to the increase in mass that residents of Electric House would experience. However a gap of 10 metres would be maintained between both sites (where the are sole habitable room windows of rooms in Electric House) and the applicant has also reduced the height of the proposed building adjacent to the north side of Electric House. Due to the design of Electric House the units most likely to be affected are dual aspect with their primary outlook to the east and not towards the application site. A resident has raised concerns with the mass of the building and the fact that the top of the six storey part of the proposed building would exceed the 30 degree guidance line at 34 degrees when measured at a height of 2 metres. Whilst it is acknowledged that there would be a slight failure here this would be to secondary windows with the primary outlook of the living areas of these units maintained to existing levels due to the orientation of the building.

20. Consideration has been given to the fact that there would be an increase in mass close to the communal amenity space area of Electric House which would result be a slight loss of light and increased sense of enclosure due to the fact that the area would be surrounded by quite high walls on each side. However consideration has been given to the fact that this area is communal and all residents would still have access to their own private balcony and amenity space. Therefore on balance it is considered to be acceptable.

### Daylight/Sunlight

21. Originally the applicant submitted a Daylight/Sunlight report that was prepared by their in house team. However officers requested an independent assessment which was subsequently submitted. The revised report prepared by Malcom Hollis has assessed the potential impact that the proposal could have on all properties surrounding the site.

22. A resident of Electric House has raised concerns with the loss of Daylight/Sunlight to their properties and specifically the open plan living, kitchen and dining rooms. This is primarily based on the VSC and ADF assessment which a resident has raised concerns with due to the reduction in VSC and the fact that the ADF assessment has not provided an assumption for the reflectance of room surfaces within the rooms of Electric House. However, with regard to both of these tests, this just formed two individual parts of an overall Daylight/Sunlight assessment which consisted of numerous tests as per the BRE guidance.

23. The Daylight/Sunlight report has identified that there would be some loss of light to some of the residential units on the north-western side of Electric House. The units on this side of the building consist of a 1B2P flat on the first floor and two 2B4P flats located on the second and third floor respectively. These units consist of a dual aspect living room with the primary outlook to the north-east and secondary outlook to the north-west. The units on the second and third floor each have a balcony that is north-west facing. There is also a bedroom on each floor with outlook to the north-west. The report acknowledges that there would be some loss of light to each unit and their balcony. However daylight distribution results show that due to the fact the units are dual aspect they would still meet BRE targets. The bedrooms are set within re-entrant corners that are shaded by the projecting walls and balconies and already experience some loss of light. The orientation of the building and the flats on the northern side also limit access to sunlight already.

24. Consideration has been given to the findings of the report and also to the layout of the units that would be affected. Although it is acknowledged that there would be some loss of light, consideration has been given to the fact that the primary living areas of each unit are dual aspect and the primary outlook is to the north-east and away from where the proposed development would be located. Taking this into account it is considered that the proposal would not materially harm the amenity of residents and is considered to be acceptable.

### Overlooking

25. SPG17 generally requires 20 metres separation distance between habitable room windows. Due to the separation distances between the application site and the units on Walm and Willesden Lane of 20 and 25 metres respectively, and the fact that this would be across a public highway, there are no concerns with undue levels of overlooking in this location.

26. As previously discussed there are habitable room windows that overlook the site from Electric House where a number of residents have submitted objections concerning overlooking. The rear of the application building would have windows that overlook the balconies and habitable rooms of Electric House at a distance of 10 metres. However the applicant has proposed the use of a mixture of obscure glazed and angled windows to ensure that overlooking does not take place towards Electric House. This is considered to be an acceptable approach and addresses concerns that neighbouring residents have raised.

### **Character, design and impact on conservation area**

27. The existing building is a single storey terrace in use as commercial units within the Willesden Green Conservation Area. The building is constructed in red brick with a front parapet wall capped with a concrete coping stone. The shopfronts have some traditional features with the high stall risers and pilasters with prominent corbels. The single storey building and shop fronts do not share the distinctive characteristics of the shopfronts and buildings which define the Willesden Green Conservation Area. The existing buildings do not make a particularly positive contribution to the character of the Willesden Green Conservation Area, by reason of their single storey scale and the lack of traditional shopfront details as such the demolition of these is acceptable provided the replacement building is of an acceptable design. The SSA also encourages redevelopment of the site with a more intensive and better use of land, therefore arguably supporting and anticipating the demolition of the existing row of single storey units.

### Scale

28. The scale of development at the site has been established by the development at Electric House which is a part 4/6/7 storey building with the tallest part located adjacent to the application site. The neighbouring building, Rutland Park Mansions to the north-east, has a height of four storeys. The proposed building would have a six storey height with a mansard style feature adjacent to Rutland Park Mansions which is considered

to be acceptable in terms of scale as it would not appear overly dominant. The building would then step up to a height of seven storeys and then to a height of eight storeys at the corner of Walm Lane and Willesden Lane, before stepping back down to seven storeys adjacent to Electric House. The gradual step up from six to eight storeys with the highest point at the corner of the site is considered to reduce the overall bulk of the building whilst creating a stand out feature at the prominent corner of the site. The overall scale of the building is considered to be sympathetic to the existing buildings and acceptable in the context of the surrounding buildings and conservation area.

### Design

29. The design of the building in terms of materiality and detail has sought to take cues from the neighbouring Rutland Park Mansions building without mimicking its exact style. The mansard roof would offer a contrast to the red brick façade and detail of the bays below. The corner element of the building would contain a stepped and faceted frontage which is considered to be suitable for the buildings prominent location. This would also help to break up and create an interesting building. The design would also offer a good contrast to the banded appearance of the neighbouring Electric House building.

30. The ground floor of the building would have slightly higher floor to ceiling heights and traditional elements such as stone cornices that would provide a distinction between the retail element and student accommodation above. The materials proposed would be reconstituted stone, zinc and brick which are considered to be acceptable in principle. However due to the sites location within the conservation area, a condition is recommended which requires further details of materials including samples to be submitted.

31. Overall the scale and design of the building are considered to be acceptable and would help to preserve and enhance the Willesden Conservation Area.

### Improvements to public realm

32. As part of the application improvements are proposed to the public realm on the corner of Walm Lane and Willesden Lane. These would include replacement trees, street furniture and a new surface. This is welcomed and is a key aim of the SSA. The Council's Landscape and Design Team have also confirmed that the existing trees are too large for this particular location and it would be beneficial to replace them with more suitable species. Officers therefore recommend that the works are secured as part of the s106 agreement to include a financial contribution and s278 agreement for the highway works.

## **Parking and Servicing**

### Parking

33. Car parking allowances for the proposed development are set out in Appendix 1 of the DMP 2016. Retail units are permitted up to one space per 50-100m<sup>2</sup>, depending on whether they are food or non-food outlets, giving a total allowance of 5-10 spaces for the ground floor/basement retail space. With no off-street car parking standards are complied with. Car-borne visitors to the retail units would be able to make use of pay and display bays along Walm Lane if they so wish, although the good access to public transport means the site is readily accessible to staff and customers anyway without requiring a car. A CPZ operates in the surrounding area to prevent overspill parking by staff in residential streets. Students are not eligible for parking permits for the local CPZ as they are not permanent residents. However, to ensure they are properly notified of this, a 'car-free' agreement would be secured by condition which has been acknowledged by the applicant.

34. The London Plan requires a secure bicycle parking space to be provided for every two students and the proposed provision of 60 spaces (44 on a double-height stacker) in a secure storeroom in the basement meets this requirement. Lifts, including a large goods lift, will be provided to allow bikes to be taken down to the basement in comfort.

35. Long-term storage for four bicycles for retail staff is also required though, so space should be identified for two 'Sheffield' stands, alongside the rear service access route. For short-term storage, three spaces are required for the student accommodation and a minimum of five spaces for the retail units. It is proposed that five stands (ten spaces) be provided within the public footway on the Willesden Lane frontage to meet this requirement. These need to be new spaces though, rather than simply a relocation of the five existing stands

that currently front the building. Therefore further details of cycle storage will be secured by condition.

### Servicing

36. Bin storage is proposed in the basement, with a goods lift provided to allow the management company to bring bins up to the rear service alleyway on collection days. This arrangement is considered to be acceptable and there is space for a refuse vehicle to stand clear of the bus stop clearway and signalised junction on Willesden Lane when collecting bins.

37. For other deliveries to the shop units, the S106 Agreement attached to the development of the adjoining site at 296 Willesden Lane (ref: 13/1428) included a requirement to allow shared use of its service yard for future development on this site. A passage was therefore provided between the service yard and the rear of this site and a gate is proposed from that passage to the rear service alley for these shops. As such, off-street servicing for the units fronting Walm Lane is secured and the proposal should thus have no adverse impact from delivery vehicles standing in the bus stop fronting the site.

38. A Delivery and Servicing Plan (DSP) is also suggested for the site, which would be welcomed in terms of helping to co-ordinate deliveries and improve efficiency. Although the amount of student accommodation proposed is not huge, the limited options for unloading goods within and around the site mean that the DSP should also set out arrangements for making the moving of belongings into the student flats at the start of the academic year as easy as possible.

39. To this end, the submitted Transport Statement sets out a procedure for receiving students at the start of the academic year, with Welcome packs provided to give logistical information on the moving in process and a booking system to allocate specific 30-minute timeslots for arrival (generally at weekends). Additional staff are also proposed to be on hand to assist with moving students in and a ground floor temporary storage area will be provided to allow belongings to be unloaded from the vehicle more quickly. These measures are welcomed and should be incorporated into the DSP.

40. A Travel Plan has also been submitted for the development, despite its fairly modest size and the absence of any off-street parking, which would immediately largely eliminate car use. The main target is therefore to increase cycling as a means of travel from a baseline of 4% of trips to 9% of trips. A Travel Plan Co-ordinator will be employed to manage the Travel Plan, which will include the provision of information on transport options through a Welcome Pack and notice boards. Monitoring of the success of the Travel Plan is to be undertaken for five years from first occupation, in accordance with standard practice. Whilst the Travel Plan measures are welcomed, the securing of a full Travel Plan is not considered entirely necessary, so a simple commitment to employ the measures as set out can be secured through a planning condition, without any need to undertake future monitoring.

41. The Transport Assessment has otherwise assessed the likely trips to and from the proposed student flats in the absence of the Travel Plan, based on comparisons with other student residences within London. This concludes that the development would generate 1 arrival/15 departures during the morning peak hour (8-9am) and 11 arrivals/7 departures during the evening peak hour (5-6pm). With 100 buses and 50 Underground trains passing close to the site each hour, these volumes are not considered large enough to have a noticeable impact on any particular bus or Underground service, particularly as the halls are not proposed to be affiliated to any particular College or University.

42. Finally, the application proposes the resurfacing of the footway fronting the site in high quality materials, plus the re-siting of five existing bicycle stands and the provision of new seating, soft landscaping beds around the street trees and improved lighting. The proposals to enhance the appearance of this area of highway are welcomed in principle and should also consider removal of much of the extensive guard railing along the site frontage. A S278 Agreement to work within the public highway will be required for these works and final design and construction details will need to be agreed through that process.

### **Energy and Sustainability**

43. As student accommodation is not technically residential accommodation the zero carbon policy as per the

Mayors Housing SPG would not apply as it is covered under Part L2A (non-domestic) of the Building Regulations. However the non-domestic target of 35% improvement over Part L 2013 would apply to the building in order to comply with policy 5.2 of the London Plan. In this case the applicant has submitted an Energy and Sustainability Statement in support of the application. This statement confirms that the proposal would achieve a 41.05% reduction thus complying with London Plan policy 5.2.

44. The applicant has also submitted a BREEAM pre-assessment. A rating of Excellent is normally sought for non-residential development within the borough. At this stage it is envisaged that a proposed score of 74.34% could be achieved, which corresponds to a BREEAM rating of Excellent.

## **Environment**

### Noise

45. Due to the proximity of the road and the fact that the site is located within a commercial/residential area there are a number of existing noise sources that need to be taken into account. In addition there are a number of new noise sources that would be introduced to the area as a result of the development. As such environmental health officers have recommended that a noise assessment is secured by condition. This is often required with the initial application for planning permission, but as the residential units would be above ground floor and as the adjacent public highway is significant, it is considered acceptable in this instance to require this via condition.

### Air Quality

46. The application site is located within an air quality management area and near to a busy road. Due to the size of the development proposed an air quality impact assessment would be required to assess potential emissions. This assessment would need to include the impact of building works, the operation of the development and the impact on local air quality for future/local residents as well as mitigation proposed. Officers recommend that this assessment is secured by condition which is considered acceptable for the same reasons as outlined above in paragraph 45 above.

### Contaminated Land

47. The area to the rear of the site has been highlighted as being potentially contaminated. Therefore environmental health officers have recommended that contaminated land conditions are secured to ensure that it is adequately dealt with.

### Construction Noise and Dust

48. Due to the proximity of existing residential developments environmental health officers have recommended that a Construction Method Statement is secured by condition. This should include measures to control dust, noise and other environmental impacts.

## **Conclusion**

49. The site is part of a Site Specific Allocation that originally envisaged the Queens Parade and Electric House sites coming forward together as a mixed use development consisting of retail/residential units. This however did not happen and the neighbouring Electric House development has been built and includes 25 self-contained flats. Consideration has therefore been given to the fact that the Electric House development has surpassed the original SSA target and also to the difficulty in providing residential units in the Queens Parade site due to its orientation.

50. The proposal would provide good quality student accommodation within an area that is well served by public transport and that is within a town centre that would offer students good local facilities. The accommodation would have management facilities in place that would be secured by condition. It has been demonstrated that there is London wide need for student accommodation and that there is an aspiration in the London Plan to move student accommodation away from Central London to other accessible locations.

51. The proposal would also provide five retail units within Primary Shopping Frontage of the Willesden Town

Centre and contribute towards the town centres vitality and viability. Although there would be a reduction in the overall amount of retail floorspace this would be due to the need to provide a core for the student accommodation and also to provide off-street servicing, and they would be high quality and modern units. In addition to this the existing tenants and management company have provided evidence and a letter of support for the proposal based on the fact that the existing 12 units are considered to be quite small and would be replaced by five more modern and purpose built units with basement storage that would improve this area of the High Road.

52. The building as designed would preserve and enhance the Willesden Conservation Area whilst improvements are also proposed to public space in front of the site which was originally a key aspiration of the SSA. The proposal would not materially harm the amenity of neighbouring residents.

53. Taking these factors into consideration the application is recommended for approval subject to conditions and the s106 legal agreement.

## CIL DETAILS

This application is liable to pay **£941,530.45\*** 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): 583 sq. m.

Total amount of floorspace on completion (G): 3818 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
Shops	641		543.120743 844945	£40.00	£35.15	£30,356.57	£26,675.84
Sui generis	3177		2691.87925 615506	£200.00	£35.15	£752,284.11	£132,213.93

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
<b>Total chargeable amount</b>	<b>£782,640.68</b>	<b>£158,889.77</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.**



**DECISION NOTICE – APPROVAL**

Application No: 17/0322

To: Mr Dodd  
HTA Design LLP  
106 - 110 Kentish Town Road  
London  
NW1 9PX

I refer to your application dated **20/01/2017** proposing the following:

Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of 324.5sqm providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation, and use of basement level to provide retail warehouse floorspace of 226.5sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level

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

at **1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT**

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: 03/04/2018

Signature:

A handwritten signature in black ink that reads 'Alice Lester'.

**Alice Lester**  
Head of Planning, Transport and Licensing

**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:-

NPPF  
London Plan (2016)  
Brent Core Strategy (2010)  
Brent Development Management Policies (2016)  
Brent Site Specific Allocations (2011)

- 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):

QPW 100  
QPW 101  
QPW 102  
QPW 103  
QPW 104  
QPW 200 B  
QPW 201 A  
QPW 202 B  
QPW 203 F  
QPW 204 E  
QPW 205 A  
QPW 206 A  
QPW 207 A  
QPW 208  
QPW 209  
QPW 210 A  
QPW 211 B  
QPW 212 C  
QPW 213 D  
QPW 214 A  
QPW 220  
QPW 221  
QPW 222  
QPW 223

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

- 3 The Travel Plan hereby approved (prepared by Vectos dated February 2017) shall be implemented in full from first occupation of the development.

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

- 4 The student accommodation hereby approved shall be occupied by Students for a period of not less than 39 weeks in any year unless otherwise agreed in writing by the Local Planning Authority. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education

institution for not less than 80 % of the course time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation meets an identified need and contributes towards a balanced community.

- 5 The 'Service Access Route to Retail' as shown on approved drawing QPW 200 B shall be constructed and made available for use prior to the first occupation of the residential units and maintained clear of obstacles thereafter.

Reason: To ensure that the impact on the public highway is acceptable.

- 6 Details of materials for all external work, including samples which shall be made available for viewing on site or in another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 7 A Noise Report to include a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition, site clearance and below ground works). The scheme shall demonstrate that the student rooms and units will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal and external noise levels:

Time	Area	Max noise level
Daytime Noise 07:00 – 23:00	Living rooms and Bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8 hr) 45 dB L <sub>max</sub>

The development shall be completed in accordance with the approved details.

Reason: To obtain required sound insulation and prevent noise nuisance

- 8 Details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to the installation of any satellite dish. The television / satellite dish systems shall not be installed other than in accordance with the approved details.

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

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

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

- 10 No development shall take place until a Construction Environmental Management Plan (CEMP)

has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted start and completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to commence development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any Considerate Constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works.

The construction shall be carried out in accordance with the approved CEMP.

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

- 11 Prior to the commencement of development (excluding demolition, site clearance and the laying of foundations) further details of the impact of the development on air quality and the impact of air quality on the development shall be submitted to and approved by the Local Planning Authority and shall include any mitigation measures proposed and an air quality neutral assessment. The approved details shall be implemented in full prior to first occupation and retained for the lifetime of the development.

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

- 12 Prior to first occupation of any part of the building hereby approved details of a Delivery, Servicing and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Management Plan shall include the following:

- i) Management and co-ordination of deliveries to the site;
- ii) The process for assisting students in moving into/out of the premises at the start/end of the academic year;
- iii) The pre-booking of arrival times and staff resourcing to assist this;
- iv) Management measures to address noise and disturbance associated with the student use addressing potential late night/early morning noise and nuisance.

The approved details shall be implemented in full for the lifetime of the development.

Reason: To minimise the impacts of the development on the highway and neighbouring residents.

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

unacceptable risk to any identified receptors

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

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

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

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

- 14 Prior to the commencement of relevant drainage works full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason: To ensure the development meets the requirements of London Plan Policy 5.13 Sustainable Drainage.

- 15 Prior to the occupation of development hereby approved, further details of cycle storage for a minimum of ten cycles in the form of five "Sheffield" stands for short term use for the student accommodation and retail units shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to any occupation of the development.

Reason: In the interest of promoting sustainable transport

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found

on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

- 3 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.
- 6 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at [Mark.O'Brien@brent.gov.uk](mailto:Mark.O'Brien@brent.gov.uk), and include photographs showing the condition of highway along the site boundaries.
- 7 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
  - (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings
- 8 The applicant is advised to ensure that demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
- 9 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30  
Saturdays – 08.00 to 13.00  
Sundays and Bank Holidays – No noisy works at all

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

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

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

#### 11 LICENCES

The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before: (i) erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway; (ii) depositing a skip; or (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

#### 12 HIGHWAYS

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

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

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

#### 13 VIBRATION

The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage: (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.

#### 14 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

15 The Council recommends that the maximum standards for fire safety are achieved within the development.

- 16 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

11 April, 2018  
04  
17/1011

## SITE INFORMATION

<b>RECEIVED</b>	<b>7 March, 2017</b>
<b>WARD</b>	<b>Fryent</b>
<b>PLANNING AREA</b>	<b>Brent Connects Kingsbury &amp; Kenton</b>
<b>LOCATION</b>	<b>13 Wyndale Avenue, London, NW9 9PT</b>
<b>PROPOSAL</b>	Erection of a two storey side extension with associated alterations to roof to replace gabled roof to main house with a hipped roof and reduction in size of rear dormer window, a single storey side/ rear extension, a front porch and the conversion of dwellinghouse into two self-contained flats (1 x 2-bed & 1 x 3-bed) with associated cycle parking spaces, bin stores, amenity space (revised description).
<b>APPLICANT</b>	Mr Abbas
<b>CONTACT</b>	<b>Planning Insight</b>
<b>PLAN NO'S</b>	Please see condition 2.
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p><b>Please click on the link below to view <b>ALL</b> document associated to case</b>  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133035">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133035</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></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="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/1011" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

This application is to be determined by the Planning Committee as 8 objections have been received to the proposal.

It is recommended that the Committee resolve to GRANT planning permission for the following reasons:

The proposed alterations and extensions result in a subservient addition to the applicant property; ensuring an acceptable impact upon its character and the character of the surrounding area. Furthermore, the proposal would not result in undue harm to the neighbouring amenity. This is consistent with DMP 1 of Brent's Development Management Policies 2016 and Brent's Supplementary Planning Document 2 (2018).

The proposed conversion of the existing single family dwelling into 2 flats is acceptable in principle; in line with DMP 17 of Brent's Development Management Policies (2016), and results in a satisfactory standard of residential accommodation for future occupiers with provision of off-street parking and refuse storage; consistent with DMP 12, 18 & 19 of Brent's Development Management Policies (2016), the London Plan and Nationally Described Space Standards (2015).

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

Conditions:

1. Time Limit
2. Approved plans / drawings
3. Matching materials
4. That the parking spaces shall not be used other than for purposes ancillary to the flats

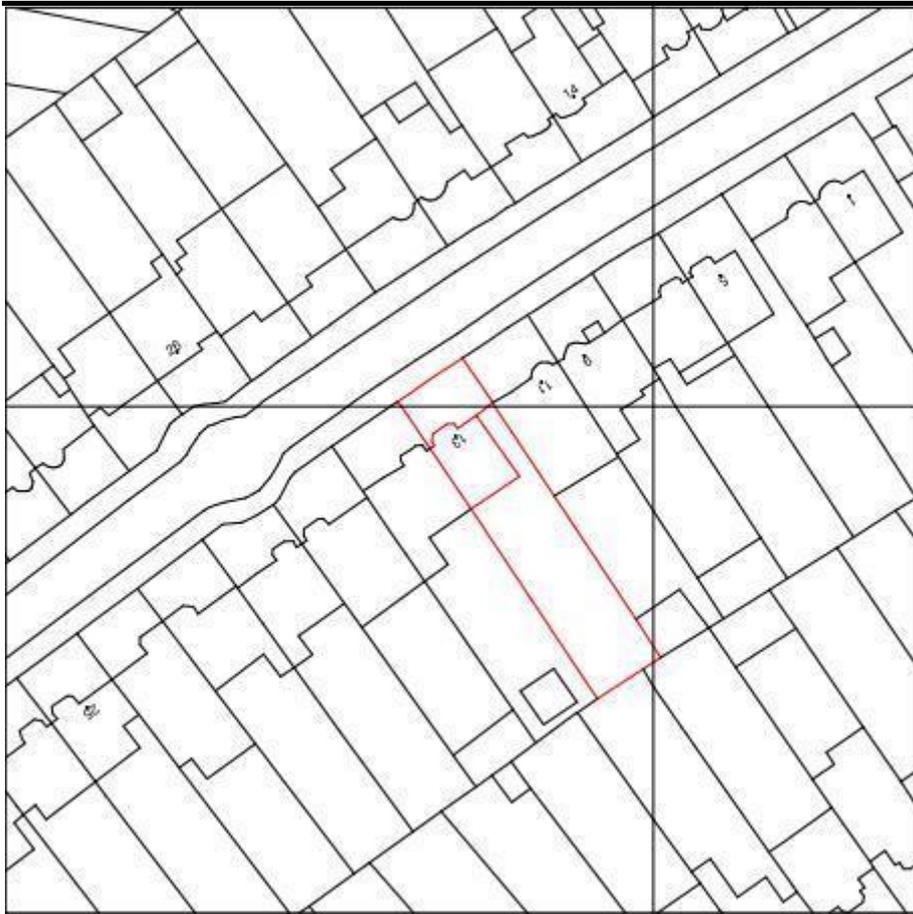
Informatives:

1. Building near a boundary
2. Party Wall etc Act
3. Fire safety
4. Damage to the highway during works

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

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: 13 Wyndale Avenue, London, NW9 9PT</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

The proposal consists of a number of extensions/alterations, and the conversion of the existing single family dwelling into 2 self-contained flats (1x3 bed & 1 x 2 bed).

### The proposed alterations are:

- The replacement of the existing gable roof of the main house with a hipped roof (the resultant ridgeline height would be 2.8m measured from the eaves; a 0.3m reduction from the existing ridgeline height).
- The reduction in size of the existing rear dormer window (resultant 2.2m width; 0.5m set up from the eaves level; 0.2m set down from the ridgeline).

### The proposed extensions are:

- A 2 storey side extension (0.25m & 2.5m set back from the main front wall at ground and first floor, respectively; a 2.2m width at ground and first floor; a hipped roof set 0.7m below the original ridgeline; the single storey element would feature a pitched roof with a 3m average height).
- A single storey side/rear extension (a 2.2m width; a 2.6m depth beyond the original rear wall; flat roof design 2.3m in height).
- A front porch (2.4 square metres; 2.9m average height).
- A brickwork & render finish is proposed, to replicate existing finishes.

### Conversion of the existing single family dwelling into 2 self-contained flats:

- A 3 bed (family sized) unit (flat 1) would be located within the ground floor. This would have a floor space of 87 square metres, with direct access to rear garden amenity space in excess of 50 square metres.
- A 2 bed unit (flat 2) would be located across both the first and second floor. This would have a floor space of 88 square metres. No amenity space would be provided for this flat.
- 2 parking spaces are proposed (1 per flat).
- Both flats would have cycle and bin storage.

## EXISTING

The application site contains a 2 storey semi-detached dwellinghouse situated along the southern side of Wyndale Avenue. The surrounding area is predominantly residential.

The property has been previously extended via a single storey rear extension, gable roof and rear dormer window.

The application site is not situated within a conservation area, nor does it contain a listed building.

## AMENDMENTS SINCE SUBMISSION

Since the original submission of the application, the following amendments have been received:

- Section drawings to demonstrate the ceiling height of the property.
- A revised ground floor layout which removes access to the rear garden for flat 2 - allowing for better outlook and light to the ground floor bedroom (labelled as 12sqm on the proposed plans).

The previous block plan did not show the second off-street parking space, so a revised proposed block plan was received to demonstrate this.

## SUMMARY OF KEY ISSUES

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

### 1) The principle of the conversion of the dwellinghouse into 2 self-contained flats

The proposed conversion of the existing dwellinghouse into 2 self-contained flats meets the requirements set out under DMP 17 of Brent's Development Management Policies (2016) to be acceptable in principle. The floorspace of the house exceeds 130 sqm and the proposal includes a 3-bedroom flat which meets current standards and has direct access to the garden.

### 2) The quality of the accommodation that this would provide for future occupants.

The standard of accommodation proposed is materially compliant with DMP 18 of Brent's Development Management Policies (2016), policy 3.5 of the London Plan and the 2015 Nationally Described Space Standards. Whilst flat 2 would not have access to private amenity space, both Fryent Park and Roe Green are within 500m from the applicant site; providing good quality open space within walking distance. Furthermore, the internal floor space of flat 2 exceeds the minimum floor space requirements (by 18 square metres), and so on balance, the resultant accommodation is considered to be acceptable when assessed against DMP 19 of Brent's Development Management Policies (2016).

### 3) The design and appearance of the proposed alterations & extension, and their impact upon neighbouring amenity.

The design of the proposed extensions and alterations to the existing gable roof and rear dormer are compliant with the Supplementary Planning Document (SPD) 2, resulting in subservient additions to the property which would not detrimentally impact upon the amenity of neighbouring properties; in regards to a loss of outlook, light or privacy.

### 4) Parking, access and frontage layout.

The maximum parking standard for the proposal development is 2.5 parking spaces. The existing block plan shows that 2 off-street parking spaces can be provided within the front forecourt; and the retention of these will allow for 1 parking space per flat. This would meet parking standards, and soft-landscaping (front hedge) already exists within the front forecourt, and so overall this is considered to be compliant with DMP 12 of Brent's Development Management Policies (2016).

## RELEVANT SITE HISTORY

**16/5216** - Erection of part single, part two storey side extension, first floor rear extension and conversion of dwelling into two self-contained flats (1 x 2-bed & 1 x 3-bed) with associated car and cycle parking spaces, bin stores and amenity space. Refused:

2 issues related to the quality of the proposed residential accommodation; the first was that the single storey was dependent upon a prior approval single storey rear extension which had not been built to a habitable state; and therefore the floor space fell below that required for the flat. The second was that the bedroom located to the front of flat 2 was only served by roof-lights; resulting in poor outlook and light. These issues have been addressed: the prior approval rear extension has since been built to a habitable state, and the internal layout of the second floor has been amended to ensure adequate light and outlook for users of the second floor bedroom.

The proposed side extension had an insufficient set back from the main front wall, which resulted in a terracing effect contrary to both DMP 1 of Brent's Development Management Policies (2016) and SPG 5 (the adopted guidance on residential extensions at the time). As previously noted, the design of the extensions

and alterations proposed in the current application are consistent with SPD 2 (2018); which supersedes SPG 5.

Because the prior approval rear extension had not been completed to a habitable state, but was shown on the plans of application 16/5216, it also had to be assessed; and was considered detrimental to the neighbouring amenity. As noted, this has now been built to a habitable state, which addresses this refusal reason as this is now the existing situation on site in accordance with previously approved plans.

**15/4480** - Prior approval for a single storey rear extension to dwellinghouse, in metres: Extending beyond the rear wall of the original house by 6m; Maximum height of 2.9m; Eaves height of 2.6m.

Prior Approval Not Required 10.12.2015

## CONSULTATIONS

15 properties were notified of the proposal via letters dated the 15<sup>th</sup> of March 2017.

The completion of the prior approval rear extension meant that the description for the proposal needed to be revised. Re-consultation letters were sent on the 23<sup>rd</sup> of February 2018. To date, 8 representations have been received; all objecting to the proposal.

Property	Comment	Response
12 Waltham Avenue	1.The principle of the proposal is not acceptable for Wyndale Avenue.	1.DMP 17 of Brent's Development Management Policies (2016) sets out that the conversion of a single family dwelling into flats is acceptable, provided certain criteria are met. The proposed extensions/alterations are acceptable in principle provided they comply with SPD 2 (2018). This will be assessed in the report below at para's 14-16
9 Wyndale Avenue	<p>1.The proposed 2 entrances will be out of character with the existing single family dwellings.</p> <p>2.It will de-value property prices.</p> <p>3.Transport concerns.</p> <p>4.The existing rear extension has not been completed.</p> <p>5.If approved, the proposal may set a precedent.</p>	<p>1.Amended plans have omitted the second entrance.</p> <p>2.This is not a planning consideration.</p> <p>3.The proposal entitles the applicant site to 2.5 parking spaces; as set out in appendix 1 of Brent's Development Management Policies (2016). The 2 off-street spaces provided do not exceed this and provide sufficient spaces. See para's 24-28</p> <p>4.The existing rear extension has now been completed; a building regulations final certificate was received on the 13/12/17.</p> <p>5.Each planning application is assessed on its individual</p>

		merits.
11 Wyndale Avenue	<p>1.The proposed extensions do not comply with planning guidance.</p> <p>2.The boundary lines of the site are not indicated; therefore it cannot be confirmed whether parts of the proposal extend into neighbouring land.</p> <p>3. Refuse storage details are not provided.</p> <p>4.Transport &amp; cycle storage concerns.</p> <p>5. No details on how the existing outbuilding will be allocated.</p> <p>6.No section drawings were provided.</p> <p>7.Poor stacking of rooms &amp; certain walls appear too thin to provide adequate sound-proofing &amp; fire resistance.</p> <p>8.The existing rear extension shown on the plans is not accurate, and should be referred to enforcement.</p> <p>9.The proposed front &amp; rear windows to the 2 storey extension are set at a lower level than the existing windows.</p>	<p>1. Amendments have been received and their acceptability is discussed in the report below.</p> <p>2. The boundary lines of the site are shown in the proposed block plan; this indicates that the proposal would be contained within the applicant's boundary.</p> <p>3. Refuse bins for each flat are shown on the proposed block plan, and there would be sufficient space for recycling bins for each flat.</p> <p>4. For transport concerns see response 3 for 9 wyndale avenue. Cycle storage for flat 1 is within their rear garden; and is within the hallway for flat 2.</p> <p>5.The existing outbuilding will serve flat 1.</p> <p>6.Section drawings have been received.</p> <p>7. Whilst the location of the ground floor double bedroom below the first floor living room is not ideal, section 41 of the 2010 building regulations would ensure adequate noise insulation; building regulations would also cover fire resistance under section 38 of this legislation.</p> <p>8.Enforcement looked into this matter, and the necessary alterations were made to be in compliance with approved plans.</p> <p>9. On balance, this would not be considered sufficient to warrant a refusal reason by itself.</p>
15 Wyndale Avenue	<p>1.Flats are out of character with the surrounding area.</p> <p>2. It will de-value property prices.</p> <p>3.Transport concerns.</p> <p>4. The existing rear extension</p>	<p>1.See response 1 to 12 Waltham Avenue.</p> <p>2.This is not a planning consideration.</p> <p>3. See response 3 to 9 Wyndale Avenue.</p>

	<p>has not been completed, and to date exceeds prior approval measurements.</p> <p>5. Unsightly number of bins outside the property</p>	<p>4. See response 8 to 11 Wyndale Avenue.</p> <p>5. The bins can be stored within the front forecourt of the applicant site, and will be screened by the existing hedge row.</p>
17 Wyndale Avenue	<p>1. The conversion of the property into flats is not in keeping with the surrounding area.</p> <p>2. Transport concerns</p>	<p>See response 1 to 12 Waltham Avenue.</p> <p>2. See response 3 to 9 Wyndale Avenue.</p>
18 Wyndale Avenue	<p>Current comment refers to objection to application 16/5216:</p> <p>1. The conversion of the property into flats is not in keeping with the surrounding area.</p> <p>2. Transport concerns.</p>	<p>1. See response 1 to 12 Waltham Avenue.</p> <p>2. See response 3 to 9 Wyndale Avenue.</p>
22 Wyndale Avenue	<p>1. Transport concerns.</p> <p>2. If approved, the proposal may set a precedent.</p>	<p>1. See response 3 to 9 Wyndale Avenue.</p> <p>2. See response 5 to 9 Wyndale Avenue.</p>
24 Wyndale Avenue	<p>1. Transport concerns.</p> <p>2. If approved, the proposal may set a precedent.</p> <p>3. Increase in provision of bins &amp; cycle storage.</p>	<p>1. See response 3 to 9 Wyndale Avenue.</p> <p>2. See response 5 to 9 Wyndale Avenue.</p> <p>3. Re bins – see response 5 to 15 Wyndale Avenue. Re cycle storage – see response 4 to 11 Wyndale Avenue.</p>

## **POLICY CONSIDERATIONS**

### National Planning Policy Framework 2012

#### London Plan

Consolidated with alterations since 2011 (March 2016)

Key policies include

3.5 Quality and Design of Housing Developments

6.9 Cycling

#### London Borough of Brent Core Strategy (2010)

CP2: Population & Housing Growth

CP17: Protecting the suburban character of Brent

CP21: A Balanced Housing Stock

#### Development Management Policies (2016)

DMP 1: Development management general policy

DMP 12: Parking

DMP 16: Resisting Housing Loss  
DMP 17: Conversion of Family Sized Dwellings  
DMP 18: Dwelling Size and Residential Outbuildings  
DMP 19: Residential Amenity Space

Supplementary Planning Document (SPD)

SPD 2: residential extensions and alterations

## DETAILED CONSIDERATIONS

### 1. Alterations & extensions

### 2. Design & impact upon surrounding area

3. The dimensions of the proposed extensions and alterations are outlined in the 'proposal in detail' section of this committee report. The resultant hipped roof to the main roof and proposed side extension ensure a consistent appearance for the property, whilst the 2.5m set back from the main front wall at first floor ensures that a terracing effect is avoided and the proposals relate acceptably to the street scene. The single storey elements of the proposal are consistent with SPD 2 guidance and are therefore acceptable.
4. The resultant rear dormer window is generally consistent with SPD 2 guidance. Whilst the 0.2m set down from the ridgeline marginally falls just below the 0.3m set-down typically sought, given that the existing rear dormer did not feature any set down (and considering the vastly reduced scale of the resultant dormer), this would still be considered to result in an addition which does not dominate the rear roof-slope and is acceptable in this instance.
5. Whilst the proposed front & rear windows to the 2 storey extension are set at a lower level than the existing windows in the main house, the overall extensions are subordinate additions and, on balance, this would not be considered significantly detrimental to the overall appearance of the building.
6. Overall, the proposed extensions and alterations are considered subservient to the applicant property; preserving the character of both the property and the surrounding area. This is consistent with DMP 1 of Brent's Development Management Policies (2016) and SPD 2 guidance (2018).

### 7. Impact upon neighbouring amenity

8. No.11 Wyndale Avenue features a 2 storey side & rear extension (granted planning permission under application 96/0874). The drawings approved under this application and site photographs confirm that there are no habitable side windows within this extension, and no part of the proposed extension would project beyond the existing rear wall of No.11 (either at ground or first floor). Furthermore, the existing garden will be retained without alteration, and will only be in use by occupants of flat 1. As such, the proposal is not considered to result in undue harm to the amenity of No.11's occupants; in regards to a loss of outlook, loss of light, overbearing appearance or enjoyment of their rear garden.
9. The 2 storey side extension would not project beyond the original rear wall of the applicant property, whilst the single storey side/rear extension has a lesser height and depth than the existing prior approval single storey rear extension. As such, these elements of the proposal will be screened from No.15 Wyndale Avenue's rear habitable room windows; ensuring that the impact on these occupants amenity is kept within acceptable levels.
10. Whilst the rear dormer would face the rear of the property. While this would allow some views into the rear garden of No.11 & No.15 (as most windows above ground floor level do across the borough), the impact of this will be no worse than that from the existing rear dormer window or first floor rear windows and the levels of overlooking would be typical of the Brent.
11. The rear boundary of No.12 & No.14 Waltham Avenue adjoins that of the applicant site. The distance of at least 40m between the rear elevation of these properties and the rear elevation of the proposed extensions would be considered sufficient to mitigate against a potential impacts on the amenity of these properties and is similar to other such relationships in the locality.
12. No.18 – 24 Wyndale Avenue are located opposite the applicant site, and would therefore be able to view the front elevation of the No.13 Wyndale Avenue. As noted earlier, the proposed alterations and

extensions are consistent with SPD 2 guidance, whilst the additional refuse and recycling bins will be screened by No.13's existing hedgerow. As such, the proposal would not be considered to result in undue harm to the amenity of these properties.

**13. Conversion of the existing single family dwelling into 2 self-contained flats**

**14. Principle of development**

**15.** The principle of converting a family dwelling into 2 or more other dwellings is set out under DMP 17 of Brent's Development Management Policies (2016). It states that this is acceptable provided that the existing home has a footprint of 130 square metres (sqm), and that the conversion results in at least a 3 bedroom unit (family sized accommodation) with direct access to a garden/amenity space.

**16.** The existing home has an area of 159.3qm. The proposed conversion results in a 3 bed dwelling being located on the ground floor of the property, and this would have direct access to rear garden amenity space. Resultantly the sub-division of the dwelling would be in line with DMP 17 of Brent's Development Management Policies (2016), and the development would be acceptable in principle.

**17. Standard of accommodation**

**18.** DMP 18 of Brent's Development Management Policies (2016) states that the size of dwellings should be consistent with London Plan policy 3.5, table 3.3 (minimum space standards for new dwellings). This requirement and the size of the units is set out in the table below:

<b>Flat</b>	<b>Number of storeys</b>	<b>London Plan Gross Internal Area (GIA) requirement</b>	<b>Proposed GIA</b>	<b>London Plan storage space requirement (sqm)</b>	<b>Proposed storage space</b>
Flat 1 (3 bed, 4 person)	1	74sqm	87sqm	2.5sqm	Not specified.
Flat 2 (2bed, 3 person)	2	70sqm	88sqm	2sqm	Not specified.

**19.** As outlined in the above table, the resultant flats would exceed the minimum GIA requirements set out in Policy 3.5, table 3.3 of the London Plan. Whilst storage space for both flats are not specified, given that the GIA provided comfortably exceeds minimum GIA requirements, there would be sufficient space for storage within flat 1 & 2. National and London specific ceiling height requirements of 2.3m and 2.5m respectively are also needed for at least 75% of the GIA.

**20.** As depicted on the plans, flat 1 (ground floor) would fall below this ceiling height requirement. Nevertheless, the applicant property is currently in residential usage, and so the ceiling heights would remain unaltered from the existing. On balance the proposal is considered to meet the requirements of DMP 18 of Brent's Development Management Policies (2016) in that a suitable standard of accommodation will be provided. This is an existing situation at the site which is not being altered.

**21.** Nationally Described Space Standards (NDSS) also specifies that a double bedroom should have a floor space of 11.5sqm, with at least 1 bedroom 2.7m in width (all others should be 2.5m). A single bedroom should have a floor space of 7.5sqm, with a 2.1m width. Both flats meet this requirement.

**22.** All habitable rooms would be provided with windows to ensure an adequate provision of light and outlook for future occupants. Flat 1 would have direct access to private amenity space in excess of 50sqm. Whilst Flat 2 would not have direct access to private amenity space, both Fryent Park and Roe Green are within 500m of the applicant site; which would provide good quality open space within walking distance of the site. This, together with the larger provision of floor space for flat 2, would be considered to justify the lack of direct access to private amenity space. On balance, the proposal would be considered to comply with DMP 19 of Brent's Development Management Policies (2016).

**23.** The proposed block plan indicates the provision of 1 refuse bin for each flat, however there would be

sufficient space within the front forecourt to store 2 more bins for recycling. As such, there would be no concerns regarding the storage of bins for both flats.

**24. Parking (vehicle & cycle)**

**25.** The application site has a PTAL 2 rating. As set out under appendix 1 of Brent’s Development Management Policies (2016), the proposed development would have a maximum parking standard of 2.5 spaces. The existing block plan indicates that 2 off-street parking spaces can be provided within the front forecourt, and these and the existing vehicular access will be retained as part of the proposal. This would allow for 1 parking space per flat, which is considered acceptable and would accord with the parking standards.

**26.** Whilst additional soft-landscaping is not proposed, a hedgerow currently runs along the front and side of the front forecourt. This screens the predominantly hard-standing frontage, softening the appearance of the frontage from the street. Given that the size of the frontage restricts the provision of further landscaping, the existing provision of soft-landscaping is considered acceptable. This is an existing situation which is not being worsened by the proposals at all, whilst ensuring appropriate parking provision within the application site.

**27.** Chapter 8.24 of Brent’s Development Management Policy (2016) notes that cycle provision must be consistent with Policy 6.13, table 6.3 of the London Plan (2016); 1 space per each studio/1 bed unit and 2 spaces for all other dwellings. Flat 1 would be provided with a sheltered bike storage area within the rear garden; sufficient to accommodate 2 cycles for the flat. Whilst the bicycles would need to be brought through the house to access this, on balance this is considered acceptable. Flat 2 would be provided with a storage area for 2 bicycles within the ground floor hallway; next to the staircase leading to their first floor.

**28.** Overall, the proposal is considered to be compliant with DMP 12 of Brent’s Development Management Policies (2016).

**29. Trees**

**30.** 1 tree is located within the rear garden of the applicant site. The tree is currently in close proximity to the existing prior approval rear extension, which may have impacted upon its root system. Given that the proposed extensions would be sited further away from the tree, they are not considered to exacerbate the existing situation.

**31.** It should also be noted that the application site is not located within a conservation area, nor is the tree protected by a tree preservation order. As such, the applicant could remove the tree without planning consent if they wished.

**32. Recommendation**

The proposal accords with the adopted policies and guidance and it is recommended that planning permission is granted.

**CIL DETAILS**

The proposal is liable to pay CIL as set out below despite providing less than 100sqm of new floor space because the proposal comprises at least one new residential unit, in accordance with Reg 42 (2) of the CIL Regulations 2010 (as amended), the provisions of which supersedes the provisions of Reg 42 (1) ‘exemptions for minor development’.

This application is liable to pay **£5,257.28\*** 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): 175 sq. m.

Use	Floorspace	Eligible*	Net area	Rate R:	Rate R:	Brent	Mayoral
<b>Page 55</b>							

	on completion (Gr)	retained floorspace (Kr)	chargeable at rate R (A)	Brent multiplier used	Mayoral multiplier used	sub-total	sub-total
Dwelling houses	175	159	16	£200.00	£35.15	£4,471.43	£785.85

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
<b>Total chargeable amount</b>	£4,471.43	£785.85

\*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.**



**DECISION NOTICE – APPROVAL**

Application No: 17/1011

To: Mr Higginbottom  
Planning Insight  
Fourth Floor  
Aldgate Tower  
2 Lemn Street  
LONDON  
E1 8FA

I refer to your application dated **03/03/2017** proposing the following:

Erection of a two storey side extension with associated alterations to roof to replace gabled roof to main house with a hipped roof and reduction in size of rear dormer window, a single storey side/ rear extension, a front porch and the conversion of dwellinghouse into two self-contained flats (1 x 2-bed & 1 x 3-bed) with associated cycle parking spaces, bin stores, amenity space (revised description).

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

at **13 Wyndale Avenue, London, NW9 9PT**

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: 03/04/2018

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**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:-

Brent Development Management Policies 2016  
Council's Supplementary Planning Document 2: residential extensions

Relevant policies in the Adopted Development Management Policies are those in the following chapters:

DMP 1  
DMP 12  
DMP 16  
DMP 17  
DMP 18  
DMP 19

- 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):

A101/A  
A102/A  
A103/A

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

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- 4 The parking spaces within the frontage of the application site shall not be used other than for purposes ancillary to the occupation of the flats hereby approved.

Reason: In the interest of highway flow and safety.

## INFORMATIVES

- 1 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

- 3 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 4 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.

Any person wishing to inspect the above papers should contact Elliott Brown, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 6204