



### Planning Committee Map

Site address: 110 Walm Lane, London, NW2 4RS

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This map is indicative only.

**RECEIVED:** 14 November, 2013

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 110 Walm Lane, London, NW2 4RS

**PROPOSAL:** Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4/D1 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane, subject to Deed of Agreement dated under Section 106 of the Town and Country Planning Act 1990, as amended (revised description).

**APPLICANT:** Fairview New Homes Ltd

**CONTACT:**

**PLAN NO'S:**  
Refer to Condition 2

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and referral to the Secretary of State, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (i) Payment of the Council's legal and other professional costs on completion of the deed in (a) preparing and completing the agreement and (b) monitoring its performance.
- (ii) Notification of material start 28 days prior to commencement;
- (iii) Affordable Housing - 10 shared ownership units (3 x one-bed, 3 x two-bed and 4 x three-bed) + £138,346 offsite contribution + financial review mechanism on an open book basis;
- (iv) Community Access Plan - to secure a minimum of 18 hours per week for community use, requirement to find alternative accommodation for Busy Rascals (existing community use) during the construction period; and provision for the ancillary community space to continue to operate in the event that the A4 use is not occupied;
- (v) Sustainability - submission and compliance with the Council's Sustainability check-list ensuring a minimum of 48.4% score is achieved. Compliance with Code for Sustainable Homes Code Level 3 and carbon reduction of 40% improvement on 2010 Building Regulation (with compensation should it not be delivered);
- (vi) Notify Brent 2 Work of forthcoming job and training opportunities associated with the development;
- (vii) Join and adhere to the Considerate Contractors scheme;

(viii) Provision of a Travel Plan for the site;

(ix) Enter into a permit free arrangement to remove the rights of future residents and visitors being able to apply for a permit to park on neighbouring streets

### **CIL DETAILS**

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£1,382,214.75** of which £1,167,110.71 is Brent CIL and £215,104.04 is Mayoral CIL.

This application is proposing to demolish the existing building which has a floorspace of 753sqm. The deductions in respect of demolition will only apply where the existing building has been in continuous lawful use for at least six months in the 12 months prior to the development being permitted. This occupancy test is not applied until the final pre-commencement condition is approved.

It should also be noted that the scheme may be eligible to relief on the levy on the parts of the chargeable development which are intended to be used as social housing.

#### **CIL Liable?**

Yes/No: Yes

### **EXISTING**

The application site comprises a part two part three storey detached building with accommodation within the roof located on the eastern side of Walm Lane. The site contains The Queenbury public house and the former, but now vacant, Conservative Club, although the caretakers flat and some first floor office accommodation used in connection with the Conservative Club is still occupied.

The car park which forms part of the site is being used as car parking for the underground station and as a car washing facility without the benefit of planning permission. It has also in the past been used for car boot sales. There is an ongoing enforcement case into these breaches of planning control which is currently on hold pending the outcome of this planning application which would see a redevelopment of there site if planning permission was forthcoming.

The site is located within the Mapesbury Conservation Area but the site does not contain a locally or statutory listed building. The site abuts the rear garden of Nos 147 A to E and Nos.153A to C Dartmouth Road to the east, a 5 storey recently constructed residential development at No. 112 Walm Lane to the north and three single storey commercial units to the south. The southern boundary of the site also abuts the railway line which serves the Metropolitan and Jubilee Lines of London Underground and Chiltern railway services. The railway habitat along the embankment of the railway line is designated as a "Site of Borough (Grade 1) Nature Conservation Importance - Railway Habitat (Metropolitan line between Kilburn and Neasden)"

On the opposite side of the railway line is Willesden Green Conservation Area. The western side of Walm Lane opposite the application site contains the secondary shopping frontage of Willesden Green Town Centre. This section of Willesden Green contains three storey terraced properties with commercial at ground floor and residential above.

Willesden Green Underground Station (a locally listed building) is in close proximity to the application site on the opposite side of Walm Lane. The site has a Public Transport Accessibility Level of 5 (PTAL 5).

### **DEVELOPMENT SCHEDULE**

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

#### **Floorspace Breakdown**

<b>Primary Use</b>	<b>Existing</b>	<b>Retained</b>	<b>Lost</b>	<b>New</b>	<b>Net Gain</b>
drinking establishments (2004)	325		325	337	12
dwelling houses	0			5495	5495
sui generis	428		428	0	-428

**TOTALS in sqm**

Totals	Existing	Retained	Lost	New	Net gain
	753		753	5832	5079

**Monitoring Residential Breakdown****Existing**

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Intermediate	0	0	0							
Flats û Market	0	0	0							

**Proposed**

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Intermediate	3	3	4							
Flats û Market	10	27	6							

**PROPOSAL**

Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane.

**HISTORY**

**12/2373:** Demolition of existing Public House and Conservative Club and erection of a residential development of 2 to 10 storeys comprising 56 flats (19 x 1 bed, 26 x 2 bed and 11 x 3 bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane accompanied by a Design & Access Statement and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended (revised description to more accurately reflect proposal) - **Withdrawn, 04/06/2013.**

**12/2374:** Conservation Area Consent for demolition of existing Public House and Conservative Club for redevelopment of site - **Withdrawn 04/06/2013.**

**E/12/0740:** Enforcement investigation into the change of use of car park to a Car Boot Sale/ Car washing business.(temp.desc.) - **under investigation.**

**E/10/0396:** Without conservation area consent, the removal of a tree(s) (temp.desc.) - **no breach established.**

**04/1895:** Variation of condition 6 of planning permission 01/3055 dated 28/3/2002, as amended by planning permission 02/3337, dated 09/04/2003, so as to increase opening hours to between 9.00am and 1.00am on the day following, on Thursdays, Fridays and Saturdays - **Refused, 26/08/2004.**

**03/0838:** Details pursuant to condition 8 (landscaping and boundary treatment) of planning permission 01/3055 dated 28/03/2002 - **Granted, 15/05/2003.**

**02/3337:** Variation of condition 6 (opening hours) of full planning permission 01/3055 dated 28/03/2002 - **Granted, 10/04/2003.**

**02/2103:** Details pursuant to conditions 4 and 8 of full planning permission reference 01/3055 dated 28/03/2002 - **Withdrawn, 01/06/2006.**

**01/3055:** Full Planning Permission sought for conversion of snooker hall to restaurant, bar and cafe and erection of single-storey rear extension - **Granted, 28/03/2002.**

**01/0420:** Installation of 12.5m-high street-furniture pole, incorporating 3 no. radio antennae equipment - Refused,

**M6154 800869:** Full Planning Permission sought for single storey rear extension - **Granted, 19/08/1980.**

**D8745:** Outline planning permission sought for demolition of existing building and erection of club and three storey block of flats and maisonettes and garages - **Refused, 10/01/1962.**

**D8499:** Outline Planning Permission sought for demolition of existing building and erection of two storey club and nine storey block of flats and garage accommodation - **Refused, 27/09/1961.**

**D3209:** Full Planning Permission sought for alterations and additions - **Granted, 26/07/1954.**

**D1383:** Full Planning Permission sought for internal alterations - **Granted, 15/01/1951.**

## **POLICY CONSIDERATIONS**

### **National policy guidance**

*National Planning Policy Framework 2012*

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

### **Regional policy guidance**

[The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013](#)

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London to 2031. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications.

#### *Chapter 3 - London's People*

Policy 3.3: Increasing Housing Supply

Policy 3.4: Optimising Housing Potential

Policy 3.5: Quality and Design of Housing Development

Policy 3.6: Children and Young People's Play and Informal Recreation Facilities

Policy 3.8: Housing Choice  
Policy 3.9: Mixed and Balanced Communities  
Policy 3.10: Definition of Affordable Housing  
Policy 3.11: Affordable Housing Targets  
Policy 3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes  
Policy 3.13: Affordable Housing Thresholds  
Policy 3.16: Protection and Enhancement of Social Infrastructure

#### *Chapter 4 - London's Economy*

Policy 4.6: Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision

#### *Chapter 5 - London's Response to Climate Change*

Policy 5.2: Minimising Carbon Dioxide Emissions  
Policy 5.3: Sustainable Design and Construction  
Policy 5.6: Decentralised Energy in Development Proposals  
Policy 5.7: Renewable Energy  
Policy 5.9: Overheating and Cooling  
Policy 5.13: Sustainable Drainage

#### *Chapter 6 - London's Transport*

Policy 6.3: Assessing Effects of Development on Transport Capacity  
Policy 6.9: Cycling  
Policy 6.13: Parking

#### *Chapter 7 - London's Living Places and Spaces*

Policy 7.2: An Inclusive Environment  
Policy 7.3: Designing Out Crime  
Policy 7.4: Local Character  
Policy 7.5: Public Realm  
Policy 7.6: Architecture  
Policy 7.8: Heritage Assets and Archaeology  
Policy 7.9: Heritage Led Regeneration  
Policy 7.14: Improving Air Quality  
Policy 7.15: Reducing Noise and Enhancing Soundscapes  
Policy 7.19: Biodiversity and Access to Nature

#### *Chapter 8 - Implementation, Monitoring and Review*

Policy 8.2: Planning Obligations

### **Local policy guidance**

#### Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP1: Spatial Development Strategy  
CP2: Population and Housing Growth  
CP16: Town Centres and the Sequential Approach to Development  
CP18: Protection and Enhancement of Open Space, Sports and Biodiversity  
CP19: Brent Strategic Climate Change Mitigation and Adaption Measures  
CP21: A Balanced Housing Stock  
CP23: Protection of existing and provision of new Community and Cultural Facilities

#### Brent's Unitary Development Plan 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue

to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

#### *Built Environment*

BE2: Townscape - Local Context & Character  
BE3: Urban Structure - Space & Movement  
BE4: Access for Disabled People  
BE5: Urban Clarity & Safety  
BE6: Public Realm - Landscape Design  
BE7: Public Realm - Streetscape  
BE8: Lighting & Light Pollution  
BE9: Architectural Quality  
BE10: High Buildings  
BE11: Intensive and Mixed Use Developments  
BE12: Sustainable Design Principles  
BE15: Transport Corridors & Gateways  
BE17: Building Services Equipment  
BE20: Advertisements on Buildings  
BE25: Development in Conservation Areas  
BE27: Demolition & Gap Sites in Conservation Areas  
BE28: Open Space in Conservation Areas

#### *Environmental Protection*

EP2: Noise & Vibration  
EP3: Local Air Quality Management  
EP4: Potentially Polluting Development  
EP6: Contaminated Land  
EP14: New Energy, Renewable Energy and Fuel Storage Development  
EP15: Infrastructure

#### *Housing*

H12: Residential Quality - Layout Considerations  
H13: Residential Density

#### *Town Centres and Shopping*

SH10: Food and Drink Uses  
SH11: Conditions for A3 Uses

#### *Transport*

TRN3: Environmental Impact of Traffic  
TRN4: Measures to make Transport Impact Acceptable  
TRN10: Walkable Environments  
TRN11: The London Cycle Network  
TRN22: Parking Standards - Non Residential Developments  
TRN23: Parking Standards - Residential Developments  
TRN34: Servicing in New Developments  
TRN35: Transport Access for Disabled People and Others with Mobility Difficulties

#### *Open Space and Recreation*

OS12: Development on SSSIs and Sites of Metropolitan, and Borough (Grade I) Nature Conservation Importance  
OS18: Children's Play Areas

#### *Community Facilities*

CP2: Location of Small Scale Community Facilities

## Supplementary Planning Guidance and Design Guides

Mayor's Housing SPG, November 2012

S106 Planning Obligations SPD, July 2013

Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001

Mapesbury Conservation Area Design Guide

### **CONSULTATION**

#### **Public Consultation**

Consultation letters were sent out to 1189 local residents and the Ward Councillor's for Mapesbury, Willesden Green, Dudden Hill and Brondesbury Park wards on 22 November 2014 . A site notice was also displayed on 29 November 2013 and a press notice published on 5 December 2013.

In response to the consultation 168 objections have been received from individual households. A summary of the areas of objection and frequency of each area of objection is set out below:

<b>Area of objection</b>	<b>Frequency of objection</b>
Loss of the Queensbury Pub and Busy Rascals which are both important local community facilities	140
Height of replacement building too tall with surrounding area and modern design out of keeping the character of the area	105
Replacement building is inappropriate and detracts from the character of the Mapesbury Conservation Area and setting of nearby heritage assets including Willesden Green Underground Station	69
Demolition of existing building	68
Designation of pub as Asset of Community Value should require its protection and be a material planning consideration	43
Loss of existing pub will affect the wider regeneration of the area. Reference made to loss of the Deli on Walm Lane and loss of other community facilities including the Spotted Dog Pub and Willesden Library	41
Replacement community space within the new building does not adequately compensate for the loss of the Queensbury Pub and Busy Rasals	33
Lack of residential parking will lead to further congestion on surrounding roads	31
The site is large enough to be redeveloped whilst retaining the existing building for use by The Queensbury public house and Busy Rascals. Housing can be provided elsewhere within the site.	26
Lack of affordable housing within the scheme	26
Lack of active frontage in replacement building	16
Inappropriate mix of residential units/lack of family sized units (three bedrooms or more)	12
No mechanism to ensure that the replacement facility is occupied by the The Queensbury public house or Busy Rascals, or that provision is made to find replacement accommodation for Busy Rascals during the build period	11
Developer only interested in making a profit	10
New flats will be sold to overseas investors	8
Proposal too dense/overdevelopment of the site	8
Loss of privacy to neighbouring properties	7
Loss of light to neighbouring properties	7
Insufficient infrastructure such as schools and doctors to support increased housing in area	7
Area does not need any more housing. Proposals should consider the reuse of vacant properties	5



Proposal would set a precedent for similar developments in the future including the demolition of other buildings within the Conservation Area	5
Public consultation by the Council and Fairview Homes inadequate	4
Ground floor space could remain vacant for a number of years	4
Café/commercial unit will add further competition in the area that will adversely affect other cafes within the local area and the Willesden Green High Street	4
If planning permission is granted for the development, a subsequent planning application could be submitted and approved for alternative uses on the ground floor, or an approved A3/A4 use could change to an A1/A2 without requiring planning permission	3
No dedicated service area for deliveries and refuse vehicles	2
Unviable to have a pub below residential units as there would be too many restricted conditions for the pub to operate within	2
Disruption from construction works and traffic	2
Inaccurate information submitted in planning submission such as reference to Willesden Library in "Audit of Local Facilities"	2
Residential accommodation within the proposal is of poor quality	2
The Council is only supporting this scheme for financial gain e.g. funding from New Homes Bonus	2
Underground car park contrary to Council's environmental policy	1
Rubbish bins facing onto street are unsightly	1
Devaluation of property prices in the area	1
Loss of external space and open aspect	1
The application has not considered the impact of the tall building upon the microclimate outside Willesden Green Underground Station	1
Incorrect to state that Busy Rascals operating within the pub breaches its lawful planning use	1
Underground car park could damage foundation of nearby buildings	1

One comment has also been received from a local resident who is of the opinion that the height is acceptable in this location as it is close to Willesden Green Town Centre and reflects the height of the development on other side of railway line. However they do raise concerns with the quality of materials, flat roof design and lack of parking. They also request that provision is made for replacement street trees in the area.

#### *Save The Queensbury*

A letter of objection has been received from Save The Queensbury. A summary of the objections are set out below:

- Loss of an identified Asset of Community Value and inadequate substitute for it
- A more sympathetic, alternative development is possible on the site
- Design of the proposals, particularly height
- Conservation matters
- Loss of community facilities
- Inferior accommodation.

A petition has been organised by Save The Queensbury which has received 4011 signatures. Objections were raised on the following grounds:

- Overdevelopment of the site with excessive residential component.
- Loss of existing heritage building that enhances the visual amenities and character of the area
- Loss of affordable community amenity in the form of the Queensbury public house, restaurant and deli,
- Loss of mother and baby drop in classes (Busy Rascals)

### *North London Branch of the Campaign for Real Ale ("CAMRA)*

Objections raised on the following grounds:

- Demolition of existing building in conservation area
- Loss of community facility
- Replacement community space within the new building does not adequately compensate for the loss of the The Queensbury public house

### *Mapesbury Residents Association (MapRA)*

MapRA advised that they emailed their members (a total of 485 members) to seek their views on the development. The following views (approximately 38) have been expressed in order of frequency:-

1. It is unacceptable to demolish a building within a Conservation Area as demolition defeats the purpose of the Mapesbury Estate having conservation status;
2. Demolition of a building within a Conservation area (even if permitted), should enhance the Conservation Area itself. Replacement of the existing, original Mapesbury style building with a modern building which departs entirely from any Mapesbury design is, per se, unacceptable;
3. The proposed building is too high;
4. The design is unacceptable. Further, the design does not sit happily with neighbouring properties and does not incorporate any design details that link it with Mapesbury;
5. As a matter of policy, and where Brent has allowed far too much residential development in the area to the detriment of the neighbourhood by creating a loss of retail space, further development should not be allowed that does not strike a balance between what residents need from their High Street and the perceived need for housing;
6. The loss of the Queensbury pub, presently operating from the site, is a loss of a local amenity and no application should be allowed unless issues as to neighbourhood amenity are addressed;
7. There are parking issues that are not addressed by the present provision within the basement;
8. The development is excellent and will enhance Willesden Green.

The letter sent from MapRA, advised that it's main committee convened on 14 January 2014 to consider the views expressed by residents in light of the issues raised by the application. The most frequent concern was (a) the height; and (b) need for amenity space which would preserve and hopefully increase local amenity so that the area would have a sense of vibrancy and serve the community. MapRA have advised that following meetings with the applicants to explain the changes to the scheme, whilst the user of the proposed building may replace the loss of the Queensbury pub, concerns as to height and design have not been addressed.

### *North West Two Residents Association*

Objections raised on the following grounds:

- Loss of The Queensbury public house and Busy Rascals which are both important local community facilities
- Replacement community space within the new building does not adequately compensate for the loss of The Queensbury public house and Busy Rascals
- No provision is made to find replacement accommodation for Busy Rascals during the build period
- Designation of pub as Asset of Community Value should requires its protection
- Height of replacement building too tall with surrounding area.
- Replacement building is inappropriate and detracts from the character of the Mapesbury Conservation Area and setting of nearby heritage assets including St Gabriels Church
- Inaccurate information submitted in "Audit of Local Facilities"
- Lack of affordable housing within the scheme
- The site is large enough to be redeveloped whilst retaining the existing building for use by Queensbury Pub and Busy Rascals. Housing can be provided elsewhere within the site.

### *The London Gastropub Limited (owners of The Queensbury public house)*

A letter has been submitted that advises that they are intending to manage the ground floor space within the new development and that ongoing discussions are taking place with Fairview Homes. They have advised that the design of the ground floor space is workable for them to operate a new bistro/wine bar (known as The Queensbury II). They have confirmed that they will continue to support Busy Rascals and any other community groups.

## Response from ward councillors and MPS

Councillor Krupesh Hirani (Dudden Hill Ward) - objection raised based on a representation received from a constituent that wishes not to see the site replaced by flats.

Councillor Christopher Leaman (Mapesbury Ward) - Objections raised on the grounds of the loss of the community facility (The Queensbury public house and Busy Rascals) and the design is not in keeping with the area.

Councillor Carol Shaw (Brondesbury Park Ward) - Objections raised for the following reasons:- (1) The Queensbury Pub has been listed as an Asset of Community value and therefore needs to be protected and not demolished; (2) loss of public house which is a community facility; (3) loss of building in a conservation area; (4) replacement building does not fit in with its surroundings and will adversely impact on setting of other listed buildings in the area; and (5) increased traffic, noise and pollution.

Councillor Aslam Choudry (Dudden Hill Ward) - Objections raised to the planning application.

Councillor Alison Hopkins (Dollis Hill Ward) - Objections raised on the grounds of the loss of the community facility (The Queensbury public house and Busy Rascals) and the design plans are not in keeping with the area.

Navin Shah AM - Objections raised for the following reasons:- (1) Loss of public house/community facility; (2) Loss of a building in a conservation area; (3) Design - too tall for conservation area; (4) Substandard accommodation - lack of affordable housing and family sized units; and (5) development too dense for this location.

Sarah Teather MP - Objections raised for the following reasons:- (1) Out of character with surrounding area - too tall; (2) Loss of public amenity - building will overshadow area; (3) Substandard accommodation - lack of affordable housing and family sized units; and (4) loss of community asset, The Queensbury Pub - replacement ground floor use does not compensate for the loss of the pub and its status as an Asset of Community Value should be a material planning consideration.

## External Consultation

Thames Water - Recommends that their preferred option is for all surface water to be disposed of on site using SUDs as per policy 5.13 of the London plan.

English Heritage (Greater London Archaeological Advisory Service) - No archaeological requirements.

London Underground - No objections in principle to the development but given its close proximity to the railway line recommends a number of conditions are attached to any forthcoming planning consent.

The Victorian Society - Objections raised to the loss of the existing building which would be harmful to Walm Lane and the wider Mapesbury Conservation Area.

Transport for London - No objections raised subject to (1) London Underground infrastructure protected; (2) provision of Delivery Service Plan and Travel Plan; (3) provision of electric vehicles charging points in line with London Plan standards; (4) removal of rights for residents to apply for permits to park on surrounding streets; (5) a possible reduction in car parking spaces on site; (6) cycle parking in line with London Plan standards; and (7) Mayoral CIL.

## Internal Consultation

Landscape - Proposal generally acceptable in landscape terms. Full details to be conditioned together with landscape management plan.

Design - Overall, the proposals deliver the quality and community benefit that the justification for the demolition of the existing building requires.

Transportation - The following comments have been provided: - (1) Sufficient space needs to be provided within the site to service the ground floor use of the building; (2) Flats to all be permit free; (3) a standard payment in the sum of £60,000 will also be sought towards improving highway safety, new parking controls

and better non-car accessibility to the borough; and (4) works to crossover to be appropriately secured.

Environmental Health - Further details required on air quality. Subject to conditions on noise, use of ground floor premises and contamination, the scheme is acceptable.

## **REMARKS**

### **Main Considerations**

1. The proposed development would involve the demolition of the existing building located within the Mapesbury Conservation Area and its replacement with a building up to 10 storeys high providing an A4/D1 use on the ground floor and 53 residential flats on the ground and upper floors. It is considered that the main planning consideration in relation to the determination of the application are:-
  - Whether the demolition of the existing building can be supported
  - Whether sufficient mitigation is provided for any loss of community facilities
  - Whether the design of the replacement building is acceptable for its location within the Mapesbury Conservation Area
  - Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
  - Whether the replacement building would have an acceptable impact on the amenity of adjoining residents
  - Whether the proposed development would have an acceptable impact on local highways and parking condition
2. The above is a summary of the main planning considerations to be taken into account when assessing the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations.

### **Comparison of current scheme with previous withdrawn scheme**

3. As set out in the planning history above, an application was submitted on 3 October 2012 for the redevelopment of the site to provide 56 flats (LPA Ref: 12/2373). This application was withdrawn by the applicant on 6 June 2013. The main differences between this scheme and the previous withdrawn scheme is set out below:
  - An A4 use with ancillary D1 space has been provided on the ground floor
  - The public realm on Walm Lane has been redesigned and ownership of the entire space gained and included in the application site.
  - External stair and lift element to the rear of the tower have been internalised
  - Attic storeys to lower blocks have been resigned together with flank elevations in tower
4. The previous scheme was accompanied by an application for Conservation Area Consent for the demolition of the existing building. However, legislation changed on 1 October 2013 with there no longer being a requirement to submit a separate application for conservation area consent for the demolition of an unlisted building in a conservation area. The government has changed legislation so that demolition works in conservation areas will now require planning permission. This change means that whilst the permission of the Council is still required, it is no longer necessary to submit two applications for development proposals involving the demolition and replace of a building in a conservation area.

### **Demolition of existing building**

5. The existing building was designed as an Edwardian "Arts and Crafts" style building, which was built in 1893, originally as a doctors's surgery on the ground floor with residential accommodation within the remainder of the building. The building was subsequently occupied by the Conservative Club in 1911. In 2001 the northern part of the building which was formally occupied by the snooker club for the Conservative Club was converted into a cafe/bar. This space is currently occupied by The Queensbury public house. The Conservative Club has since moved out of the building. A number of extensions have been added to the building over the years including a two storey side extension and a number of rear extensions. There is a large car park at the rear of the premises which is used as station car parking and car wash facility without the benefit of planning permission.
6. The site lies within south western-most tip of the Mapesbury Conservation Area, and as such is last building falling within this designation on Walm Lane. The site lies between the more urban context of

Willesden Green to the south beyond the Jubilee and Metropolitan line railway cutting, and the more suburban context of Mapesbury to the north.

7. Policy BE27 of Brent's Unitary Development Plan states that consent will not be given for the demolition of a building, or alteration involving demolition of part of a building, in a Conservation Area unless the building, or part of the building, positively detracts from the character or appearance of the Conservation Area. The existing building is not considered to positively detract from the character and appearance of the Conservation Area and as such, its demolition signifies a departure from the development plan. However, regard also has to be given to the National Planning Policy Framework, which seeks local planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness.
8. Whilst the original building and in particular its front facade does make a positive contribution to the Mapesbury Conservation Area, and the character of the building has been eroded by later unsympathetic extensions and additions. The large expanse of hard standing to the rear of the site used as car parking detracts from the setting of the building. It should also be noted that the character of the immediate locality is not in keeping with the traditional character of the Mapesbury Conservation Area, i.e. red brick plain clay tiled late Victorian buildings. The character comprises more modern developments including 3 storey block of flats with timber roof extension known as Westley Court and redevelopment of 112 Walm Lane with 5 storey block of flats. The current use of the building fails to make efficient use of the existing site, and it is considered that given the high public transport accessibility level of the site, it lends itself to a more comprehensive development within the site.
9. It is also important to consider the wider benefits of the proposal; it is considered that the wider benefits that the proposal will bring are sufficient to justify a departure from policy, and outweigh the harm caused by the loss of a building within the Mapesbury Conservation Area. A summary of the wider benefits are set out below:
  - The proposal will re-provide an A4 use of comparable size with The Queensbury public house
  - The proposal will formalise the D1 community uses within the building;
  - The scheme will provide 10 affordable housing units;
  - The replacement building will be of a high quality design, is appropriate in this context and will maximise the development potential of the site;
  - The scheme will improve the public realm outside the site facing Walm Lane;
  - The proposal will remove unauthorised activities which currently take place within the car park (station car parking and car wash facility).

### **Replacement of community facility**

10. The existing building is partly occupied on the ground floor by the Queensbury public house. As part of an informal arrangement with The Queensbury public house, the space is also used by a local community group known as Busy Rascals providing mother and baby drop in sessions during the mornings on Mondays to Saturdays.
11. Core Strategy policy CP23 states existing community and cultural facilities, that support community participation and development will be protected, or their loss mitigated where necessary. This conforms with the NPPF, which recognises public houses as a community facility, and states planning decisions should guard against the unnecessary loss of valued services and facilities, particularly where it would reduce the community's ability to meet its day-to-day needs.
12. There is evidence that The Queensbury is of value to the community as a place for social gatherings, functions, entertainment and use by community groups such as Busy Rascals. In support of this, the Queensbury has been registered as an Asset of Community Value under the Localism Act 2011. The Department for Communities and Local Government has produced non-statutory guidance on the Community Right to Bid. Paragraph 2.20 sets out that 'the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.' Whilst regard must be had to the development plan in the determination of the application, it is considered that in this case the fact that the building is listed as a Asset of Community Value is also a material planning consideration as it reasonably demonstrates that there is a local demand for the community facility within the locality and, in particular, a demand that those facilities should be provided on the site.

13. The current application seeks to provide a replacement A4 space with ancillary D1 use on the ground floor of the new proposal. Consideration of the existing and new space is set out below:

#### *Comparison of floor space*

The total area of the existing public house has been calculated at approximately 250sqm with a cellar of 75sqm. The proposed area of the new premises is 258sqm with a cellar of 79sqm. Within these areas the existing front of house area is 166m<sup>2</sup> (back of house: 84m<sup>2</sup>) compared to the proposed front of house area: 173m<sup>2</sup> (back of house: 85m<sup>2</sup>). The overall amount of floorspace has marginally increased as part of the new proposal.

It should be noted that a letter has been received from the current owners of The Queensbury public house which advise that they have reviewed the plans for the new floor space and find the layout acceptable for them to operate within the new development. They have also advised that they are in the process of securing a long term lease for the ground floor premises within the new development.

#### *Use of the ground floor space*

The existing planning permission is for a bar/restaurant falling within use class A4. As part of the planning permission, there was no condition which restricted the use to use class A4. This means that the floor space occupied by The Queensbury public house could be changed into another use falling within use classes A1 to A3 without the need for planning permission. As part of this proposal, the applicant has advised that they wish to operate the ground floor space as a licensed premises falling within use class A4 (drinking establishments). They have agreed to any forthcoming planning consent having a restriction on the use class removing permitted development rights for it to be changed into another use falling within use classes A1 to A3. Planning permission would therefore be required in the future to change the use of the ground floor space to an alternative use. This will allow the Local Planning Authority to assess such applications in consideration of the development plan for the borough.

#### *Flexible community space*

Whilst the use class of the ground floor space will fall within use class A4/D1, the northern proportion of the ground floor space has been specially designed to accommodate a flexible space for ancillary D1 use during quieter periods of the week. This flexible environment can accommodate a variety of uses; the practical shape of the unit allows tables and chairs to be laid out in various configurations; tables and chairs can be stored away to provide a clear open space; the ancillary kitchen is large enough to accommodate full height storage cupboards to store equipment for regular users such as parent and toddler groups.

The flexible space will be dedicated for community use for a minimum of 18 hours per week. This level of provision reflects the existing hours operated by Busy Rascals. It will be made available to Busy Rascals and any other community groups, secured through a community management plan as part of a Section 106 Agreement. This is considered to be a significant improvement to the current informal arrangement, as it formalises a requirement for the new floor space to provide 18 hours of community access per week. At the current time, the arrangements are informal and can be withdrawn at the any time.

#### *Relocation of Busy Rascals during the construction period*

It is recognised that Busy Rascals provides an important facility to the local community. There will be an obligation as part of the Section 106 Agreement for suitable accommodation to be sought within the local area for Busy Rascals during the construction period. Such obligation will require the new space to be available for 18 hours per week so that Busy Rascals can offer the same level of activities as existing. This will enable them to meet their day to day needs.

#### *Measures to ensure the continued use of the ancillary D1 floorspace in the event that the ground floor space is not occupied*

The ground floor space has been purposely designed so that the ancillary D1 element can be used independently from the remainder of the ground floor space in the event that it is not occupied or becomes vacant at a later date. It has its own entrance from the street frontage with access to kitchen facilities and toilets. This will enable the space to be self contained from the remainder of the

floor space in the event that the A4 space is not occupied . This will be secured through the Section 106 Agreement.

14. It is considered that the replacement space is an overall improvement to the existing space which will secure wider benefits of the local community including formalising the arrangements of the ancillary D1 space within the site.

### **Design of replacement building**

15. The proposed building comprises a 10 storey element at the frontage sitting on a plinth that is 6 storey high gradually stepping down to 2 storeys at the rear. The positioning of the building within the site is considered to be the most appropriate location to minimise the impact on neighbours and at the same time preserve a reasonable relationship for residential use with the railway line. The tall element of the building sits forward on the site to make a positive contribution to the streetscape. Whilst the building will be higher than the surrounding developments, it is considered that a case can be made for a taller building in this location on the railway between the urban context of Willesden and the more suburban area of Mapesbury. The scheme is considered to deliver high quality architectural and urban design quality with a well attenuated tower element. The location of the site within the edge of the Mapesbury Conservation Area and Willesden Green Town Centre, opposite the underground station, emphasises the important location on the site, and a distinctive high profile building is considered appropriate in this context. The modern design reflects the character of surrounding developments in the immediate locality such as 112 Walm Lane.
16. The Government attaches great importance to the design of the built environment. The use of external materials and detailing within the elevations is considered important to ensure that a high quality design is achieved that is appropriate for this setting. The palette of materials include red stock bricks which will be used for the lower elements, drawing reference from materials characteristic of the Mapesbury Conservation Area. The upper storey will comprise zinc cladding to provide distinction between these upper and lower elements. Windows will have deep reveals to provide interest to the facade and contribute to the overall quality of the scheme. The windows will be finished in grey together with the balconies. The tower element will contain terracotta cladding and louvers which is considered to compliment the use of the red stock brick. A high quality glazing system and balcony system will be incorporated.
17. The scheme comprises two cores with the private residential flats accessed from the front of the site and the affordable residential units accessed from the southern side of the building. A series of pergolas and landscape pathway will guide the entrance to the affordable block. This will be overlooked by the residents units to provide natural surveillance.

### *Public realm improvements*

18. The scheme is considered to site comfortably within the streetscene. It is also important that at street level the development provides appropriate detail at a more human scale The frontage of the site is to be improved with new stepped and ramped access to serve both the residential units and the ground floor space. This will allow access for less mobile users such as people with wheelchairs and buggies. This will include new areas of soft landscaping and tree planting to soften the frontage of the site. The new frontage will allow for outdoor seating for the new A4 use. It is considered the an active frontage will still be maintained and that the level of natural surveillance will be further enhanced by the new residential units on the upper floor overlooking the street. The frontage area has been extended from the previously withdrawn scheme to allow a more comprehensive improvement strategy to the site frontage.

### **Affordable Housing**

19. The application proposes to provide 10 of the 53 residential units for affordable housing (all shared ownership), accounting for 18.8% of the total units. Brent's Core Strategy and the London Plan seeks to deliver 50% affordable housing on new housing sites of ten units or more It also seeks a mix of tenure with 60% affordable rent and 40% shared ownership. This scheme does not meet this target, and in response to this shortfall, the applicant has submitted a Viability Assessment to demonstrate that the scheme can not provide any further affordable housing.
20. Officers have instructed an independent assessor to undertake an Appraisal of the Viability Assessment. They have recommended that the affordable housing provision is secured as part of the Section 106 Agreement: (1) 10 shared ownership units, (2) £138,346 offsite contribution and (3) financial review

mechanism on an open book basis.

## **Quality of proposed accommodation**

### *Size and mix of units*

21. The application proposes a total of 53 residential units served by two cores. The main core located to the front of the site serves the private units and the secondary core to the rear of the site serves the affordable units. A breakdown of the unit mix is set out below:

	One bed units	Two bed units	Three bed units
Overall scheme	13 (24%)	30 (57%)	10 (19%)
Private units	10 (23%)	27 (63%)	6 (14%)
Affordable units	3 (30%)	3 (30%)	4 (40%)

22. Policy CP21 of Brent's Core Strategy seeks an appropriate mix of unit sizes within a scheme including a proportion of 25% of units to be three bedrooms or more. In this case, whilst the overall scheme provides 19% of units as three bedroom units, this shortfall is considered to be compensated by the high proportion of affordable units within the scheme that are three bedroom units, accounting for 40%.

23. The London Plan requires residential units to provide the following internal floor space standards:

- 1 bed 2 person - 50sqm
- 2 bed 3 person - 61sqm
- 2 bed 4 person - 70sqm
- 3 bed 4 person - 74sqm
- 3 bed 5 person - 86sqm
- 3 bed 6 person - 95sqm

24. Further guidance on the internal room sizes within the residential units are set out in the Mayor's Housing SPG that states that a minimum area of 8sqm should be provided for a single bedroom and 12sqm for a twin/double bedroom. The floor space for living/dining and kitchen is recommended to be:

- 1 person/2 person - 23
- 3 person - 25
- 4 person - 27
- 5 person - 29
- 6 person - 31

25. All units within the scheme meet or exceed the minimum internal floor space standards and internal room sizes as set out in the mayor's Housing SPG. A schedule of the proposed accommodation is tabled in Appendix 1 to this report

### *Outlook and privacy*

26. The majority of units are dual aspect and where there are single aspect units these do not face in a northerly direction. Amendments were requested during the course of the application to open up the kitchens into the living areas as they were closed in with no outlook. The majority of units with the exception of units 1 and 40 now have open plan kitchen/living areas or outlook from a dedicated kitchen area. The overall level of outlook is considered acceptable meeting the objectives of policy BE9 of Brent's UDP 2004.

27. The units do not directly overlook one another to cause a loss of privacy. Likewise, they are a good distance from neighbouring properties to prevent overlooking from other properties. The ground floor units have good landscape buffers between them and the communal garden/access pathway to the affordable units to ensure that they will not experience a loss of privacy. In addition, the ground floor units will overlook the communal spaces providing natural surveillance.

### *Wheelchair units and lifetime homes*

28. Five units within the scheme are proposed to be designed as wheelchair housing. These are all located within the private element and are located on the ground, first and second floors with access via a lift for the upper floors. The number of wheelchair units account for approx. 9.5% of units which marginally falls



short of the 10% requirement as set out in policy CP21 in Brent's Core Strategy 2010. However, this shortfall is not considered significant to warrant a reason for refusal. All homes will be built to lifetime home standards.

#### *External amenity space*

29. The site is located within an area of open space deficiency. Each residential flat has access to its own private balcony or terrace. The majority of these balconies/terraces meet or exceed the minimum requirement as set out in the mayor's Housing SPG ( 5sqm for 1 to 2 bed person units and an extra 1sqm for each additional occupant), details of which are set out within the accommodation schedule in Appendix 1. In addition all residents will have access to a communal garden which is 447sqm. The communal garden is considered to be well laid out with a good variety of plants, trees, grassed area and informal spaces with seating.
30. Consideration also needs to be given to SPG17 which requires 20sqm of external amenity space per unit. Based on 53 flats this would amount to 1060sqm of external amenity space. The scheme provides a total of 842sqm of external amenity space so has a short fall of 218sqm or 4sqm per unit. SPG17 does advise that such shortfalls can be mitigated if the internal sizes of the internal units exceed minimum standards. As discussed above a large proportion of units within the scheme exceed the minimum internal floor space standards. The over provision is approx. 321sqm in total. In addition the London Plan requires playspace requirement of 160sqm for this development. The site does not provide any formal on site play space but informal play for under 5's will be provided within the communal garden for supervised play with parents/toddlers. It is considered that the given that each unit has its own private balcony or terrace, that communal garden is of a high quality landscape design which is overlooked by the residential units and has direct access to sunlight during the morning, and that each residential unit either meets or exceeds the minimum floor space standards as set out in the London Plan that there is justification to support the shortfall in the overall amount of external amenity space and the lack of provision for formal play space on site, even with it being located within an area of open space deficiency. Full details of the external amenity space are recommended to be conditioned as part of any forthcoming consent.

#### *Noise impact from the adjoining railway line and Walm Lane*

31. A noise impact assessment has been submitted which demonstrates that the residential units facing Walm Lane and the railway do have the potential to experience unacceptable levels of noise impact unless mitigation measures are proposed. The report recommends the use of a specified glazing system to provide suitable mitigate to achieve good internal noise levels. Officers in Environmental Health have reviewed this report and have advised that the proposed mitigation is acceptable. They have advised that the is secured through a planning condition.

#### **Residential Density**

32. The scheme proposed a density of 1006 habitable rooms per hectare. This has been calculated using a site area of 0.2076 hectares and a total of 209 habitable rooms.
33. The proposed density significantly exceeds London Plan density range for this site, which recommends density between 200 to 700 habitable rooms per hectare for urban sites with PTAL 5. However it should be noted that increased densities are promoted in the London Plan and the UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised.
34. One of the factors that contribute to the density being so high is that the living/dining/kitchen areas are counted as two habitable rooms as they all exceed 18sqm. This is as per the guidance as set out within the glossary of the UDP in terms of counting habitable rooms for density purposes. Your officers of the view that the scheme can be supported despite the high density range as the proposal is considered to deliver a high quality building respect the context of the surrounding buildings, provides a good standard of accommodation and provides significant benefits in the form of a provision of affordable housing and replacement A4/D1 use with formalised arrangement for community access.

#### **Impact on neighbouring occupiers**

##### *Privacy*

35. To ensure that an adequate level of privacy is maintained for neighbouring properties, SPG17 requires a minimum distance of 10m to be maintained from habitable room windows to the rear boundary and a minimum distance of 5m from flank elevations that serve secondary windows.
36. In this case a distance of over 16m is maintained from the development to the boundary with the communal garden of No. 112 Walm Lane. At ground floor there are secondary flank wall windows that are over 5m away from the rear boundary with the rear gardens of Nos. 146 and 153 Dartmouth Road. At upper floor levels up to Level 4 there is the potential for balconies that serve the affordable units to indirectly overlook the rear garden of No. 153 Dartmouth Road, as these balconies are approx., 5 to 6m away. To reduce the level of overlooking it is recommended that a condition is secured for screening along the edge of the balcony to prevent unacceptable overlooking to the rear garden of Nos. 146 and 153 Dartmouth Road.

#### *Overshadowing and overbearing*

37. SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.
38. In this case the development does not face rear habitable rooms so 30 degree line is not applicable. The site does however abut the communal amenity space of No. 112 Walm Lane and the rear garden of No. 153 Dartmouth Road. The building envelope falls within 45 degree from both the communal garden of No. 112 Walm Lane and the rear garden of No. 153 Dartmouth Road, thus complying with SPG17.
39. The application is also accompanied by a Daylight, Sunlight and Shadow Study, which has looked at the impact of the development upon 112 Walm Lane, Westley Court. And 153 Dartmouth Road. It has also looked the impact upon the buildings on the opposite side of the road including 2 to 6 Station Parade and Nos. 53 to 67 Walm Lane and Erin Court on the opposite side of the railway line. This report concludes that all of the neighbouring properties identified above will fully comply with BRE guidelines for sunlight, and that the scheme will not have an adverse impact on neighbouring amenity in shadow terms.

#### **Relationship of A4 use and surrounding residential uses including flats within the new development**

40. It is not uncommon to have an A4 use located under residential flats in town centre locations. To ensure that an acceptable level of amenity is maintained for surrounding residential occupiers the following factors need to be considered:

#### *Hours of use*

41. The Queensbury currently has planning permission to operate from am to 11pm Sunday - Thursday and 9am to Midnight Friday and Saturday . The application form submitted with this application proposed hours of use 9am to 11pm Monday to Saturday and 9am to 10.30pm on Sunday. However, following discussions between the owners of The Queensbury and the applicant, they have requested whether these hours can be reviewed to reflect the current approved arrangement. Your officers are of the view that given that there are no known problems with the current hours of operation and that the objections have not raised issues regarding noise and disturbance from the operator of the Queensbury, that allowing the operating hours to reflect the current approved arrangement is considered acceptable. This will be secured as part of a condition to any forthcoming consent.

#### *Extraction equipment/air conditioning etc*

42. Ventilation for the A4/D1 use will be accommodated by ductwork within a ceiling void with discrete intake and extract grilles positioned at high level above the glazing. Any plant associated with this will be located within the basement plant room. Air conditioning units will be accommodated at ceiling level with water cooled condensing units located within the basement. This avoids the need for such equipment to be mounted externally which in turn has the potential for noise/vibration nuisance to neighbouring residential amenity and avoids unsightly equipment located on the external elevations of the building.

43. Ventilation/extract ducts for the main kitchen will be accommodated within the adjacent service riser. Officers in Environmental Health have advised that such arrangement is acceptable. The ancillary kitchen will have an internal wall mounted extractor fan, and given that it will only serve teas and coffees, this is not considered to adversely impact upon neighbouring residential amenity.

#### *Location of refuse bins & Outdoor seating area/designated smoking areas*

44. Following discussions with officers, the bin store for the A4 use has been relocated to the basement with access from a goods lift. This will avoid any associated noise with the residential flats above, especially with disposing of glass bottles which can potentially be very noisy. The A4 use will have an outdoor seating area located at the front of the building. This will include an open sided canopy area as a smoking area. The canopy will limit smoke directly rising up to the flats above. It is not considered appropriate to have more restrictive hours conditions for the outside smoking area as this area will be better managed being on site rather than people smoking needing to leave the premises.

#### **Transportation considerations**

45. The application site is located on the eastern side of Walm Lane, a London Distributor road. The site lies within a Controlled Parking Zone (CPZ) "MW" which operates 08:00 - 18:30 Monday to Saturday, and is subject to waiting and loading restrictions Monday to Friday 08:00-09:30 and 16:30-18:30.
46. Accessibility is very good with a PTAL rating of level 5. Willesden Green Station (Jubilee tube) is within 50m of the site, while five bus routes are locally available.

#### *Impact on surrounding highways*

47. A Transport Statement has been submitted which looks at potential trip generation. This states for 53 residential dwellings, a reasonable figure for people movements is 56 arriving or leaving in the AM peak and 38 arriving or leaving in the PM peak. These figures are based on TRAVL data for similar residential sites. Using the same data, modal split data showed that approximately 33% of these movements would involve a trip made by a car driver. This in turn gives figures of 18 vehicles arriving or leaving in the AM peak and 13 vehicles arriving or leaving in the PM peak, both of which are below the proposed provision of 23 car parking spaces. The Transport Statement goes on to advise that the commercial unit is ancillary and as such is not likely to result in any peak hour vehicle trips. Officers in Transportation have advised that neither the residential or A4 use will lead to significant additional impact on the local highway network.

#### *Car parking*

48. The application proposes 23 car parking spaces for the residential flats located within the basement. Access to the basement car park will be provided from Walm Lane from a new vehicular access point to the northern end of the site. The existing vehicular access to the southern end of the site will be redundant and brought back to kerb and channel. The works to the proposed and existing vehicular accesses is will be secured as part of a condition to any forthcoming planning consent.
49. Car parking standards for residential development are set out in PS14 of the UDP-2004. A stricter standard can be applied when sites lie within a CPZ and have good PTAL ratings, whereby 1-and-2-bed dwellings can be permitted up to 0.7 car spaces each, and 3-bed dwellings can be permitted up to 1.2 car spaces. The above standards give a combined maximum provision of up to 42.1 car spaces, so the proposed provision of 23 car spaces will be within standards.
50. However, the car parking provision falls some way below the maximum standard and in these circumstances Policy TRN23 requires consideration to be given to the impact of the development on-street parking. In this respect, Walm Lane is a distributor road and bus route, so is unable to safely accommodate parking along the frontage. To mitigate against the significant potential for overspill parking, a car-free (permit-free) agreement will be sought, removing the right of future residents to on-street parking permits. This will be secured within the Section 106 Agreement for the site.
51. Three spaces have been specifically designed for use by disabled drivers, which at more than 10% of the total provision complies with parking standard PS15 in numerical terms. The height of the ceiling within the basement has been increased to a clearance height of 2.6m which will allow access to all disabled drivers.

52. The A4 use attracts 1 car parking space per up to 400sqm. The proposed floor area of therefore attracts one car parking space for the A4 use. No car parking is proposed for the A4 use. No objections have been raised to the absence of on site car parking for the A4 use by your officers in Transportation. It should be noted that this facility will predominantly serve the local community and is located within an area of very good accessibility (PTAL 5).
53. Three of the car parking spaces will be provided with electric vehicle charging points (EVCP) and a further 3 spaces will be provided with passive provision. Whilst this is less than the recommended proportion as set out within the London Plan (20% of the car parking spaces to provide active provision and a further 20% of spaces to provide passive provision), the proposed amount is considered appropriate for this size of development.

#### *Servicing*

54. Officers in Transportation have advised that any servicing from Walm Lane could not be supported, for two reasons. Firstly due to the loading restrictions which have been put in place specifically to prevent vehicles stopping even for a short time on a busy Distributor road. Secondly, the presence of a pedestrian refuge adjacent to the site frontage means that any vehicles stopping on Walm Lane in this location risk significantly obstructing the highway, which is a London Distributor Road and part of the London Bus Priority Network.
55. To address these concerns amended plans have been received which have included a "Transit" sized servicing bay within the basement car park for use by the A4 use. A supporting statement on the servicing arrangements has also been submitted which states that all deliveries including kegs will be served by transit or smaller sized vehicles, and that this can be achieved by breweries who deliver to constrained sites within London using smaller vehicles. It is recommended that a delivery & servicing plan is conditioned to any forthcoming consent.

#### *Refuse facilities*

56. Refuse and recycling storage facilities for the residential units will be stored within two main locations, the first, main one on the front of the proposed building but also with a second facility serving the core at the rear of the building, significantly further from the Walm Lane frontage. The distance from the rear bin store to the site frontage is over 50m. A management company will be established for the development will bring the bins from the rear of the site to a collection point close to the front bin store. This will then mean that Waste Collection Staff only need to take the bins up to 10m onto the Walm Lane frontage. The management arrangements are recommended to be secured as part of a condition to any forthcoming planning consent. Both bin stores have sufficient capacity to accommodate refuse and recycling storage requirements as set out in Brent's Waste Collection Strategy.
57. Refuse and recycling facilities for the A4 use will be located within the basement with a goods lift allowing access to ground level. As per the existing situation, a private operator will collect the refuse on an appropriate basis to be agreed with the operator of the A4 use.
58. The refuse vehicles will stop on the public highway for short period to pick up refuse. A plan has been submitted which demonstrates that there is room between the parked refuse vehicles and the pedestrian refuge to allow for a bus to safely pass. Given that such vehicles will only park in this location briefly and on an infrequent basis, such arrangement is considered acceptable.

#### *Cycle parking*

59. Secure and covered cycle parking is provided at several points around the site, including 14 spaces at the rear core, and 42 spaces in the basement car park. This fulfils the PS16 requirement for at least 1 space per dwelling and is welcomed therefore. The four additional cycle spaces can be used by staff at the commercial premises.

#### *Travel Plan*

60. In line with the "TfL Travel Planning Guidance November 2013" it is recommended that a Travel Plan Framework is secured as part of the Section 106 Agreement for the residential development as it involves over 50 residential units. The Travel Plan Statement should identify the public transport links that are accessible from the site and should be assessed using the ATTrBuTE tool for guidance.

## **Sustainability**

61. Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* and the GLA's London Plan 2011 policies within Chapter Five *London's Response to Climate Change*.

### *Compliance with Brent policies*

62. In support of the objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a Code of Sustainable Homes Pre Assessment has been submitted predicting the development would achieve a score of 65.32 which exceeds the minimum requirement for Code Level 3, providing flexibility within the design should credits be lost through the detailed design and construction process. This is to be secured as part of the section 106 agreement.

63. Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control 2003* require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 48.4% can be achieved. Whilst this score falls marginally short of 50%, it is considered that given that the scheme will achieve Code for Sustainable Homes Level 3 and 40% carbon reduction over Building Regulations 2010, that this shortfall is not sufficient to justify warranting a reason for refusal. The Sustainable Development Checklist is to be secured as part of the section 106 agreement.

64. In respect of Brent's sustainability policies, the proposal is considered acceptable.

### *Compliance with London Plan 2011*

65. The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising carbon dioxide emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

66. The application is supported by an Energy Strategy for the New Build Annex. In summary, the proposal meets the criteria of London Plan policy 5.2 for 40% improvement on 2010 Building Regulations. A total reduction of 41.9% is proposed.

- Lean measures

The development will be constructed to meet the Government's Part L 2013 proposal for the Interim Fabric Energy Efficiency Standards. This will be achieved by the arrangement of the building between four and ten storeys mitigating heat loss through its layout and density profile. Walls, floors and roofs will have U-values that exceed the minimum required under Building Regulations, together with improved performance to windows and external doors.

- Clean measures

The proposal will incorporate a building scale communal heating system. The CHP plant will be connected to a large thermal store and backed up by conventional gas boilers. Heat and hot water will be delivered to each unit via indirect Heat Interface Units. The system will also generate its own electricity, with any surplus being sold back to the grid.

- Green measures

The scheme proposes to install 20kWp of solar Photovoltaic Panels located on the unshaded areas of the roof.

67. It is recommended that the Energy Strategy and the requirement to achieve a minimum of 40% improvement on 2010 regulations is secured as part of the Section 106 Agreement.

## **Biodiversity and Trees**

A Tree Survey and Arboricultural Implications Assessment has been submitted which identifies trees within the site to be retained and those to be removed, together with tree protection plans for existing trees both

within the site and outside of the site during the construction of the development.

68. The railway embankment adjoining the site is classified as Site of Borough (Grade 1) Nature Conservation Importance. An Ecological Assessment has been submitted with the application which concludes that the site is of little ecological value. It does however recommend a number of measures to protect the adjoining and improve the biodiversity of the site which are summarised below:

- Applicant to implement best practice measures for the construction industry and adherence to the Environment Agency's Pollution Prevention Guidance to reduce the risk of pollution events and contaminated run-off from the site onto the railway embankment during the construction – this requirement will be drawn to the applicant attention by an informative.
- Landscape Strategy to incorporate native species of local provenance, particular along southern boundary of site, together with appropriate method of removal of Snowberry and Butterfly Bush/Buddleia (catalogued in London as an invasive species) – this will be secured as part of a condition to any forthcoming planning consent.
- Removal of any trees on site to be carried out outside of bird nesting season. - this will be secured as part of a condition to any forthcoming planning consent.
- Provision of four bat boxes and four bird boxes on existing trees or a Schwegler 1SP Sparrow Terrace attached to the new building to enhance opportunities for bat and bird species - this will be secured as part of a condition to any forthcoming planning consent.

### **Environmental consideration**

#### *Air Quality*

69. Air Quality Assessments have been submitted with the application. Your officers in Environmental Health have reviewed these documents and advise that subject to appropriate mitigation, the proposed CHP is not considered to adversely impact upon air quality in the locality. They have recommended that details are secured as part of planning conditions.

#### *Contaminated land*

70. A contaminated land investigation report has been submitted which has identified contamination within the site. The report goes onto propose remediation measures. Your officers in environmental health have reviewed the report and have advised that the mitigation measures are acceptable. They have advised that a condition should be secured to any planning condition requiring the remediation measures to be carried out in full and a verification report to subsequently be submitted to the local planning authority for approval.

### **Other matters**

#### *London Underground*

71. London Underground have advised that they do not have objections in principle to the scheme but have requested that conditions are attached to any forthcoming planning consent, to ensure that the embankment along the railway line and railway infrastructure is not adversely affected during the build. The recommended condition will be included as part of any forthcoming planning consent.

#### *Archaeological considerations*

72. An archaeological desk based assessment has been submitted which concludes that the site has a low archaeological potential for all past period of hum activity, and that the development is unlikely to have an archaeological impact. The report recommends that no further mitigation measures are proposed. The assessment has been reviewed by the Greater London Archaeological Advisory Service (part of English Heritage) which agree with the recommendation that no further mitigation measures are required.

#### *Basement construction*

73. Details of the construction of the basement car park taking on board the guidance as set out in Brent's

Basement Practice Guide has been submitted. This includes a contamination strategy, construction strategy and drainage strategy. It is recommended that details of wheel wash facilities within the site are conditioned as part of any forthcoming planning consent. The applicant will be required to enter into the Considerate Contractors Scheme as part of the Section 106 Agreement and has confirmed that a Party Wall Agreement will be entered into with No. 112 Walm Lane. The applicant will be reminded of their requirements under the Party Wall Act as an informative to any forthcoming consent.

#### *Sustainable Urban Drainage System (SUDs)*

74. Thames Water has advised that the following initial investigation, there is an inability of the existing wastewater infrastructure to accommodate the needs of this application. Thames Water is concerned about the increase in combined flow from this site and in particular surface water flows and the affect further down the catchment in the Counters Creek area. Their preferred option would be for all surface water to be disposed of on site using SUDs as per policy 5.13 of the London plan. SUDs are designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharge. They aim to replicate natural systems by draining away surface water run off through collection, storage and cleaning before allowing it to be released slowly back into the environment, thus reducing flooding from conventional drainage systems. SUDs can use techniques such as permeable paving and green roofs.
75. In response to the concerns raised by Thames Water officers can advise that the site currently contains hardstanding across the site and that a large proportion of the hardstanding will be replaced with soft landscaping. Infiltration is not possible due to London clay. The agent has therefore advised that they will be following the London Plan approach of attenuating rainwater by storing in tanks for gradual release to a watercourse. The scheme also proposing a green roof. Overall the scheme is aiming to reduce surface run-off by 50%. It is also recommended that permeable paving system is used for areas of hardstanding.

#### *Statement of Community Involvement*

76. It should be noted that as the scheme proposes under 200 residential units there is no statutory requirement for the applicant to engage in pre-application discussions with the public. Nevertheless, a Statement of Community Involvement has been submitted by the applicant that sets out the timeframes for pre-application consultation with councillors and members of the public for both 2012 application and the current application. Prior to the current application being submitted the applicant wrote to over 4000 local residents, elected members and community groups and also set up a public exhibition in July 2013. A consultation was also held via a website and responses were analysed between July to September 2013. In response to the consultation events, the scheme was amended to include an A4 use on the ground floor and opportunity for Busy Rascals to continue to use the new building.

#### **Response to objections raised**

<b>Area of objection</b>	<b>Response</b>
Loss of The Queensbury public house and Busy Rascals which are both important local community facilities	Please refer to paragraphs 10 to 14 above
Height of replacement building too tall with surrounding area and modern design out of keeping the character of the area	Please refer to paragraphs 15 and 16 above
Replacement building is inappropriate and detracts from the character of the Mapesbury Conservation Area and setting of nearby heritage assets including Willesden Green Underground Station	Please refer to paragraphs 15 and 16 above
Demolition of existing building	Please refer to paragraphs 5 to 9 above
Designation of pub as Asset of Community Value should requires its protection and should be a material planning consideration	Please refer to paragraph 12 above
Loss of existing pub will affect the wider regeneration of the area. Reference made to loss of the Deli on Walm Lane and loss of other community facilities including the Spotted Dog Pub and Willesden Library	Please refer to paragraphs 10 to 14 above. It is considered that the new development will bring about improvements including to the street frontage and may help promote wider regeneration.

Replacement community space within the new building does not adequately compensate for the loss of the Queensbury Pub and Busy Rascals	Please refer to paragraph 13 above
Lack of residential parking will lead to further congestion on surrounding roads	Please refer to paragraph 50 above
The site is large enough to be redeveloped whilst retaining the existing building for use by Queensbury Pub and Busy Rascals. Housing can be provided elsewhere within the site.	Officers are only able to consider the details submitted within the planning application. In the event that a planning application is submitted for an alternative proposal, it will be assessed on its individual merits having regard to national, regional and local plan policies and guidance.
Lack of affordable housing within the scheme	Please refer to Section 106 Heads of Terms and paragraphs 19 and 20 above
Lack of active frontage in replacement building	Please refer to paragraph 18 above
Inappropriate mix of residential units/lack of family sized units (three bedrooms or more)	Please refer to paragraphs 21 to 25 above
No mechanism to ensure that the replacement facility is occupied by the Queensbury Pub or Busy Rascals, or that provision is made to find replacement accommodation for Busy Rascals during the build period	Please refer to paragraph 13 above
Developer only interested in making a profit	This can not be considered as part of the assessment of this application though consideration is given to viability in terms of affordable housing provision.
New flats will be sold to overseas investors	The sale of market housing would be outside of the remit of planning control.
Proposal too dense/overdevelopment of the site	Please refer to paragraphs 32 to 34 above
Loss of privacy to neighbouring properties	Please refer to paragraphs 35 and 36 above
Loss of light to neighbouring properties	Please refer to paragraphs 37 to 39 above
Insufficient infrastructure such as schools and doctors to support increased housing in area	The scheme is liable to pay Brent CIL. This will fund local infrastructure.
Area does not need any more housing. Proposals should consider the reuse of vacant properties	Planning policies encourage the development of new housing in sustainable location. The site being located opposite the underground station and next to a town centre is considered to be a sustainable location that can accommodate new housing.
Proposal would set a precedent for similar developments in the future including the demolition of other buildings within the Conservation Area	This application does not set a precedent for similar developments within the conservation area. Each application is considered on its individual merits having regard to planning policies.
Public consultation by the Council and Fairview Homes inadequate	The Council carried out its consultation in accordance with statutory requirements and the guidance as set out in SPG2 "Commenting on a Planning Application".  Please refer to paragraph 76 above in response to pre-application consultation carried out by the applicant
Ground floor space could remain vacant for a number of years	Please refer to paragraph 13 above.
Café/commercial unit will add further competition in the area that will adversely affect other cafes within the local area and the Willesden Green High Street	Competition is not a material planning consideration and therefore can not be considered as part of the assessment of this application. It should be noted that there is an existing A4 unit which the



	application proposes to replace.
If planning permission is granted for the development, a subsequent planning application could be submitted and approved for alternative uses on the ground floor, or an approved A3/A4 use could change to an A1/A2 without requiring planning permission	The use of the ground floor will be restricted to A4 use. Any alternative use will require the benefit of planning permission.
No dedicated service area for deliveries and refuse vehicles	Please refer to paragraphs 54 to 58 above.
Unviable to have a pub below residential units as there would be too many restricted conditions for the pub to operate within	Please refer to paragraphs 40 to 44 above.
Disruption from construction works and traffic	Appropriate mitigation measures such as wheel washing facilities will be conditioned. Hours of use and construction noise are covered by environmental health legislation. These will be drawn to the applicant's attention by an informative.
Inaccurate information submitted in planning submission such as reference to Willesden Library in "Audit of Local Facilities"	This is noted.
Residential accommodation within the proposal is of poor quality	Please refer to paragraphs 20 to 30 above.
The Council is only supporting this scheme for financial gain e.g. funding from New Homes Bonus	Officer justifications for supporting the scheme are set out in the remarks section above.
Underground car park contrary to Council's environmental policy	Basement car parking is common within the borough. No objections have been raised by officers in Environmental Health to the basement car park.
Rubbish bins facing onto street are unsightly	The bins will be contained inside the building and will only be left outside on collection day. This will be secured by a management plan. Further details of the design of the doors to the bin store will be conditioned.
Devaluation of property prices in the area	This is not a planning consideration and therefore can not be considered as part of the assessment of this application
Loss of external space and open aspect	It is considered that the scheme will provide improved public realm to the front of the site.
The application has not considered the impact of the tall building upon the microclimate outside Willesden Green Underground Station	Please refer to paragraph 37 to 39 above It is acknowledged that tall buildings can disturb air flows. Given the height and relationship of the building to surrounding development, it is not considered to result in unacceptable impacts such as funnelling between buildings.
Incorrect to state that Busy Rascals operating within the pub breaches its lawful planning use	There is an informal arrangement between Busy Rascals and the the Queensbury Pub to occupy parent and baby drop in sessions during the mornings on Mondays to Saturdays.
Underground car park could damage foundation of nearby buildings	Please refer to paragraph 73 above.

## **Conclusions**

77. In conclusion, whilst the proposal will result in the demolition of a non listed building within the Mapesbury Conservation Area that does not positively detract from the area, it is considered that the wider benefits of the scheme can justify a departure from policy. These benefits have been discussed in detail above but are

summarised below:

- The proposal will re-provide an A4 use of comparable size with the Queensbury Pub. It should be noted that the owners of the Queensbury Pub have given their support to this new space and their intentions to occupy it once built;
- The proposal will formalise the community uses within the building, such as by Busy Rascals, which will be secured through a legal agreement. The agreement will require the ground floor space to be available for a minimum of 18 hours per week for use by community groups at rates comparable with Council facilities;
- Obligation as part of the section 106 agreement to find alternative accommodation for Busy Rascals during the construction period;
- Obligation as part of the section 106 agreement to required the continued use of the D1 space in the event that the A4 space is not occupied. This is possible as the D1 flexible space could be self contained and has it own entrance and toilet facilities;
- The scheme will provide 10 affordable housing units;
- The replacement building will be of a high quality design, is appropriate in this context and will maximise the development potential of the site;
- The proposal will remove unauthorised activities which currently take place within the car park (station car parking and car wash facility).

**RECOMMENDATION:** Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013  
Brent's Core Strategy 2010  
Brent's Unitary Development Plan 2004  
Mayor's Housing SPG, November 2012  
S106 Planning Obligations SPD, July 2013  
Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001  
Mapesbury Conservation Area Design Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

**CONDITIONS/REASONS:**

- (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):

Drawing Numbers

FNH398\_P\_Existing Plans  
FNH398\_P\_Existing Ground Floor Plan  
1201-1000 Rev P1 - Location Plan  
1201-1050 Rev P1 - Existing Building Information

1201-2000 Rev P2 - Basement  
1201-2001 Rev P2 - Level 00  
1201-2002 Rev P2 - Level 01  
1201-2003 Rev P2 - Level 02  
1201-2004 Rev P2 - Level 03  
1201-2005 Rev P2 - Level 04  
1201-2006 Rev P2 - Levels 05 and 06  
1201-2007 Rev P2 - Levels 07, 08 and 09  
1201-2008 Rev P1 - Roof Level  
1201-2050 Rev P2 - Refuse Strategy  
1201-2051 Rev P1 - Drainage Strategy

1201-3000 Rev P2 - Section AA and BB  
1201-3001 Rev P1 - Section EE

1201-4000 Rev P2 - West and East Elevations  
1201-4001 Rev P2 - South and North Elevations

1201-602 - Material schedule  
1201-6000 Rev P1 - Details  
1201-6001 Rev P1 - Details  
1201-6002 Rev P2 - Stair Glazing Details

120428/AT/B01 - Swept Path Analysis,- Loading Bay Transit Van  
120428/AT/C01 - Swept Path Analysis, Double Decking Bus Passing Refuse Vehicle

FNH398 LS/01 Tree constraints and protection plan  
FNH398 LS/02H Landscape masterplan  
FNH398 LS/03 Landscape details plan

#### Supporting Documents

Walm Lane LPA Accomodation Schedule - 11.02.2014  
Air Quality Assessment prepared by MLM Consulting UK (dated 6 November 2013)  
Air Quality Impact Assessment - Combined Heat and Power prepared by The Airshed (Version 4 dated 8 November 2013)  
Arcaheologocial Desk Based Assessment prepared by CgMs Consulting (revised October 2013)  
Audit of Local Services and Facilities (October 2013)  
Audit of Local Services and Facilities Addendum Report (revised February 2014)  
Computer Generated Images (CGI Views) dated November 2013  
Construction Details as required within the Brent's Basement Best Practice Guidance DAT/9.0 - Site Survey  
Daylight, Sunlight and Shadow Study prepared by Delva Patman Redler Chartered Surveyors (October 2013)  
Design and Access Statement (November 2013)  
Design Statement (November 2013)  
Ecological Assessment prepared by Ecology Solutions (November 2013)  
Energy Statement prepared by Think Three Ltd (11 November 2013)  
Geotechnical and geoenvironmental investigation report and remediation strategy prepared by Card Geotechnics Limited (Revision 2 dated October 2013)  
Ground Floor Use and Operation Statement  
Heritage statement and townscape and visual impact assessment prepared by Montagu Evans (November 2013)  
Impact of Road and Rail Traffic Noise on Proposed Residential Development prepared by Grant Acoustics (2 October 2013)  
Landscape Design Strategy (revised 8 November 2013)  
Planning Statement prepared by Nathaniel Lichfield and Partners (14 November 2013)  
Statement of Community Engagement (dated November 2013)  
Sustainable Design and Construction Statement prepared by Think Three Ltd (8 November 2013)  
Transport Statement prepared by Vectos (dated November 2013)

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

- (3) The ground floor A4/D1 uses hereby approved shall only be open between the hours of 0900 and 2300 Sunday - Thursday and 0900 and Midnight Friday and Saturday and at no other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely impact on residential amenity.

- (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the ground floor use hereby permitted shall only be for the purpose of Use Class A4 and for no other use without the prior written approval of the Local Planning Authority through the submission of a planning application.

Reason: No separate use should commence without the prior approval of the Local Planning Authority so as to enable other uses to be considered on their merits.

- (5) In the event that the ancillary D1 space on the ground floor is occupied as an independent D1 unit, it shall be used only for purposes within Use Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended with the exception of following uses: Places of Worship.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the area and conforms with Council's policies.

- (6) (a) The external materials for the development shall be carried out in accordance with the details of materials as set out within Drawing Nos: 1201-4000 Rev P2, 1201-4001 Rev P2 1 and 1201-602 Material schedule.

A list of the approved materials include:

- Terracotta Cladding - Aliva BR208
- Facing Brick - Ibstock Bradgate Red
- Metal Cladding - Reynolux Quartz Zinc Finish
- Stone Entrance Wall - Portland Stone
- Sample of glass balustrade to Walm Lane tower

Or

(b) Prior to commencement of building work, details of alternative materials shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

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

- (7) All parking spaces (including disabled bays), Electric Vehicle Charging Points (including passive provision), loading bay, cycle parking stands and refuse and recycling facilities shall be provided and permanently marked out prior to occupation of any part of the approved development in full accordance with approved plan references 1201-2000 Rev P2 and 1201-2001 Rev P2, and thereafter retained in accordance with the approved details throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic,

or the conditions of general safety within the site and along the neighbouring highway & amenity and to provide sufficient cycle parking facilities and refuse and recycling facilities.

- (8) (a) All vegetation clearance shall be undertaken outside of the nesting bird season (between March and September inclusive).

Or

(b) Prior to commencement of any vegetation clearance within the bird nesting season, arrangements shall be made for an experienced ecologist to be on site to check all vegetation removed. The ecologist shall be on site during the removal of all vegetation and recommendations of the ecologist fully complied with. If birds are found to be nesting any works which may affect them may be required to be delayed until the young have fledged and the nest has been abandoned naturally.

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

- (9) The proposed tree protection details as detailed in Tree Survey & Arboricultural Implications Assessment prepared by MCA Landscape Architects Ltd and accompanying Tree Survey Plan MCA FNH198 LS01 shall be fully adhered to throughout all stages of the construction of the development hereby approved.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (10) No works involving demolition or site clearance shall commence until further details of the wheel wash facilities have been submitted to and approved in writing by the local planning authority and the facilities have been installed in accordance with the approved details. Thereafter the facilities shall remain in place and operational until construction works have concluded.

Reason: In the interests of highway and pedestrian safety.

- (11) No demolition works shall commence until two evening bat emergence surveys are carried out in Spring 2014 (or alternative schedule agreed in writing by the local planning authority) in accordance with the recommendations outlined within the Ecological Assessment prepared by Ecology Solutions and the results submitted to and approved in writing by the Local Planning Authority. All recommendations following the emergence surveys shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and species protection.

- (12) Within three months of the commencement of development, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

- (a) details of the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (b) details of the balconies to the main blocks of the residential units
- (c) details of screening to the balconies for units 47, 48, 50, 51 and 53 to prevent overlooking to the neighbouring properties on Dartmouth Road
- (d) details of the design and materials for the external doors to the bin store and entrances to the A4 use and residential elements
- (e) details of the design of the open sided canopy for the A4 use

The development shall be completed in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

- (13) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development including the public realm along the frontage, accessway along the southern boundary and communal garden shall be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-
- (a) all planting including location, species, size, density and number incorporating native species of local provenance along the southern boundary
  - (b) details of the removal and appropriate disposal of Snowberry and Butterfly Bush/Buddleia within the site
  - (c) details of 4 bat boxes (suitable for pipistrelle species) on existing trees and 4 bird boxes (suitable for house sparrow) on existing trees or a Schwegler 1SP Sparrow Terrace attached to the new building
  - (d) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users;
  - (e) the location of, details of materials and finishes of, all street furniture and external cycle stands;
  - (f) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height;
  - (g) details of the living roof;
  - (h) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows)
  - (i) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (14) Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (15) No music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the Local Planning Authority. Any proposed system(s) shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter only installed and operated in accordance with the details so approved.

Reason: To safeguard the amenities of the adjoining occupiers.

- (16) Prior to commencing any works on site, a scheme shall be submitted to and approved in

writing by the local highway authority to provide a new vehicular access along the northern end of the site to serve the basement car park and for the existing redundant crossover to be restored to kerb and channel.

The works shall be carried out at the applicants expense and the residential units hereby approved shall not be occupied until the above works have been completed in full accordance with the above points.

Reason: In the interests of highway conditions within the vicinity of the site.

- (17) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

<u>Time</u>	<u>Area</u>	<u>Maximum noise level</u>
Daytime Noise 07:00 – 23:00	Living rooms	35dB LAeq (16hr)
Night time noise 23-00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmax

Prior to first occupation of the residential units hereby approved a test shall be carried out to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance.

- (18) All soil contamination remediation measures specified in the "Geotechnical, geoenvironmental investigation report and remediation strategy" shall be carried out in full accordance with the approved details. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (19) No development shall commence on site until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures
- demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land
- demonstrate that there will at no time be any potential security risk to London Underground railway, property or structure
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby approved which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby approved is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

- (20) Prior to first occupation of the A4 use hereby approved, a Service and Delivery Plan setting out servicing arrangements for the use which includes provision for servicing by transit sized and smaller vehicles only together with loading and unloading only within the designated loading bay within the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The ground floor A4 space shall thereafter only be serviced in accordance with the approved Service and Delivery Plan throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of the adjoining highway.

- (21) Prior to first occupation of the ground floor A4 use and residential units within the development hereby approved, a management plan for the collection of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved management plan throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of the adjoining pavement and highway.

- (22) (a) Prior to the commencement of the development hereby approved, an Air Quality Impact Assessment shall be submitted to and approved in writing demonstrating that the proposed CHP and boiler units (or alternative heating system) shall have no more than a negligible impact on neighbouring residents. If this can not be achieved further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.

and

(b) The CHP and boiler units (or alternative heating system) installed shall meet or improve upon the emissions standards and technical details described in the approved Air Quality Impact Assessment (as set out above). Prior to first occupation of either the residential units and/or A4/D1 space, details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, shall be submitted to and approved in writing by the Local Planning Authority. The CHP and boiler units (or alternative heating system) shall thereafter be maintained so as to ensure that these standards continue to be met throughout the lifetime of the development.

Reason: To protect local air quality

#### **INFORMATIVES:**

- (1) During construction on site:-
- (i) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
  - (ii) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.
- (2) During demolition and construction on site:



- (i) the best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
  - (ii) vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
  - (iii) no waste or other material shall be burnt on the application site;
  - (iv) a suitable and efficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material, so as to prevent it becoming airborne at any time and giving rise to nuisance.
- (3) 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.
- (4) The applicant is advised to contact London Underground Infrastructure Protection (email address: [locationenquiries@tube.tfl.gov.uk](mailto:locationenquiries@tube.tfl.gov.uk)) in advance of preparation of final design and associated method statements., in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers landscaping and lighting.
- (5) 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)
- (6) The applicant should implement best practice measures for the construction industry and adhere to the Environment Agency's Pollution prevention advice and guidance through the construction phases.

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337