

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

19 June, 2019  
05  
18/4675

## SITE INFORMATION

<b>RECEIVED</b>	<b>7 December, 2018</b>	
<b>WARD</b>	<b>Mapesbury</b>	
<b>PLANNING AREA</b>		
<b>LOCATION</b>	<b>110 Walm Lane, London, NW2 4RS</b>	
<b>PROPOSAL</b>	Replacement of existing building (containing public house and former members club) with a mixed use development within a part 4 and 5 storey building comprising public house and function room on ground floor (Use Class A4), 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed), green roof and photovoltaics panels, bicycle and refuse storage, amenity space and landscaping (SCHEME A)(Amended Plans - Key changes to public house facade and internal layout)	
<b>PLAN NO'S</b>	4704/PA/001 4704/PA/002 4704/PA/010 4704/PA/011 4704/PA/015 4704/PA/016 4704/PA/200B 4704/PA/201B 4704/PA/202B 4704/PA/203B 4704/PA/204B 4704/PA/205B 4704/PA/206C 4704/PA/207C 4704/PA/210C 4704/PA/220A 4704/PA/221A 4704/PA/222A 4704/PA/223A 4704/PA/225A 4704/PA/230A 4704/PA/231 4704/PA/400 4704/PA/401 4704/PA/410B 4704/PA/411 4704/PA/501 4704/PA/502 4704/PA/503 4704/PA/504 4704/PA/505A 4704/PA/511 4704/PA/512 4704/PA/513 4704/PA/514 4704/PA/515	Site Location Plan Site Photos Existing Site Plan Existing Floor Plan Existing Elevations 1 Existing Elevations 2 Proposed Site & Ground Floor Plan Proposed First Floor Plan Proposed Second Floor Plan Proposed Third Floor Plan Proposed Fourth Floor Plan Proposed Fifth Floor Plan Proposed Roof Plan Proposed Basement Floor Plan Proposed Floor Plans Proposed Walm Lane Elevation Proposed South Elevation North Elevation C-C East Elevation D-D Walm Lane Street Elevation Proposed Sections Proposed Sections Material Palette Local Precedents and Materiality Proposed Site & Ground Floor Plan Elevation - Pub Study CGI Views - 1 CGI Views - 2 CGI Views - 3 Summer CGI Views - 3 Winter CGI Views - 4 CGI Views - 1 (Amended Roof) CGI Views - 2 (Amended Roof) CGI Views - 3 (Amended Roof) Summer CGI Views - 3 (Amended Roof) Winter CGI Views - 4 (Amended Roof)

Air Quality Assessment (January 2018)  
Arboricultural Survey & Impact Assessment (December 2018)  
Daylight/Sunlight Report (December 2018)  
Design & Access Statement (V2) (April 2019)  
Energy and Sustainability Assessment (December 2018)  
Environmental Noise Assessment (November 2018)  
Financial Viability Appraisal (March 2019)  
Foul and Surface Water Drainage Strategy (December 2018)  
Heritage Impact Assessment (November 2018)  
Planning Statement (December 2018)  
Preliminary Bat Roost Assessment (January 2018)  
Preliminary Ecological Appraisal (January 2018)  
Pub Ceiling Height (Email 03 June 2019)  
Statement of Community Involvement (November 2018)  
Technical Note Insulation (April 2019)  
Transport Statement (December 2018)

**LINK TO DOCUMENTS  
ASSOCIATED WITH  
THIS PLANNING  
APPLICATION**

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## RECOMMENDATIONS

Having regard to the matters set out below within the Report, it is considered that planning permission should be **refused** for the following reasons:

1. The proposed development, by reason of its massing and poorly designed front elevation, would appear unduly prominent and out of character in the street scene and in the wider locality. The development would fail to preserve or enhance the character or appearance of the Mapesbury Conservation Area. As a result, the proposal fails to comply with Policies 3.4, 3.5, 7.4, 7.6 and 7.8 of the London Plan; policy CP17 of the Core Strategy, Policies DMP1 and DMP7 of the Development Management Policies; National Planning Policy Framework 2018.
2. In the absence of a legal agreement to control the matter the proposal would fail to provide the maximum reasonable amount of affordable housing which would be contrary to Policy 3.12 of the London Plan, Policies H5 and H6 of the draft London Plan, Policy CP2 of the Core Strategy, Policy DMP15 of the Development Management Policies.
3. In the absence of a legal agreement to control the matter the proposal would result in additional carbon dioxide emissions within the borough in an Air Quality Management Area, without any contribution to carbon reduction measures in the area. As a result, the proposal would be contrary to Policies 5.2, 5.3 and 7.14 of the London Plan, Policy CP19 of the Core Strategy, Policy DMP1 of the Development Management Policies.
4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on servicing, parking demand and transport infrastructure to the detriment of the free and safe flow of traffic and pedestrians which would be contrary to Policies DMP1 and DMP12 of the Development Management Policies

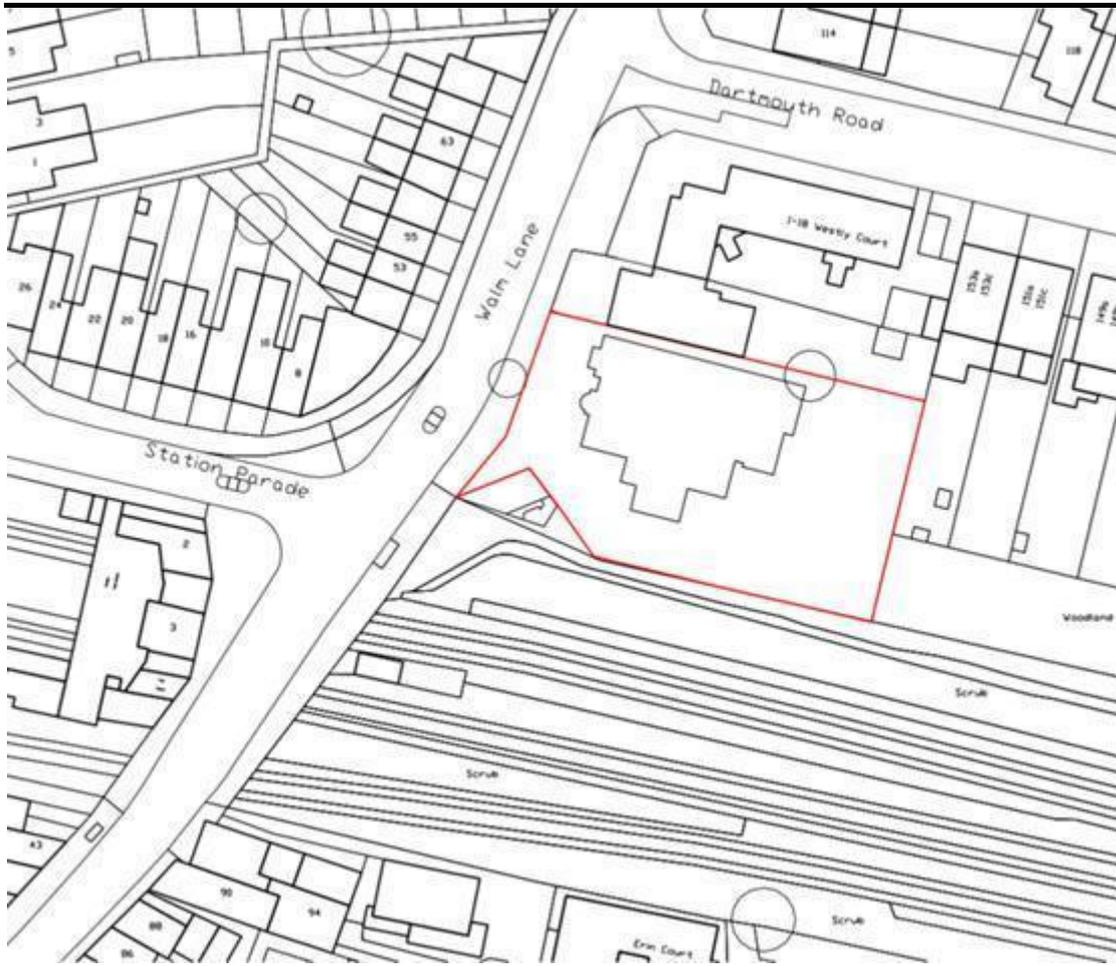
## SITE MAP



### Planning Committee Map

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

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This map is indicative only.

## PROPOSAL IN DETAIL

As Members are aware, two schemes are being considered for the site, with the applications being referred to as Schemes A and B. Whilst both schemes are identical in terms of the number of units proposed, the provision of a public house with community/function room and outdoor space, and amenity space provision, the key differences to note are:

- The design of the roof, with Scheme A sitting further back (with a long front dormer window with roof lights above), compared to Scheme B which is sited towards the front, with inset dormer windows and rooflights)
- The appearance of the public house element

In relation to Scheme A, permission is sought for the replacement of existing building (containing public house and former members club) with a mixed use development within a 4 and part 5 storey building comprising 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed) and public house and function room on ground floor (Use Class A4) with green roof and photovoltaics panels, provision of bicycle storage with associated amenity space, landscaping and refuse stores (SCHEME B)

The proposed building will be L-shaped, extending along the Walm Lane frontage approximately 31.5m and extending a maximum depth of 47.3m near to the railway line. It will have a maximum height of approximately 19m to the top of a crown roof along the Walm Lane frontage and a maximum height of approximately 15m to the top of a flat roof along the railway frontage. At the rear, the fourth floor extends into the roof plane.

The roof is set back 6m deep (7.5m to the end of the bay windows) from the front building line. It will contain a dormer window which extends almost the entire width and will have four rooflights above. The dormer will be 30.1m wide, 2m deep, and 2.55m in height to the top of a flat roof. On the rear roof slope, four high level dormers will be provided, each measuring 3.4m in width, 2.5m in depth along the top of a flat roof, and 3m in height to the top of a flat roof.

At the front of the building, a seating area will be re-provided. The ground floor of the "Walm Lane block" will contain a public house with floorspace for a function/community use and toilet facilities (back of house facilities for the public house e.g. store/office will be located within the basement, together with a plant room). The five floors above, including two within the roof space, will contain the 33 private housing units, each with access to a balcony or terrace. The rear block will contain the 15 affordable units over its four levels.

## EXISTING

The site is located on the eastern side of Walm Lane and consists of a part two, part three storey detached building, containing The Queensbury public house and the former Conservative Club. The building is registered as an Asset of Community Value (ACV) and there is also currently an arrangement where local community groups have access to the building on Monday to Saturday mornings. A car park, accessed from Walm Lane, is located on the southern side of the site.

The site is located within the Mapesbury Conservation Area, a designated heritage asset but the site itself does not contain a locally or statutory listed building. The site abuts the rear garden of Nos.147A to E and Nos.153A to C Dartmouth Road to the east, a five storey 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 the London Underground and Chiltern railway services. The embankment along the railway line is designated as a wildlife corridor.

On the opposite side of the railway line is the 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 is a statutory listed Grade II and is in close proximity to the application site on the opposite side of Walm Lane.

## AMENDMENTS SINCE SUBMISSION

The façade of the public house has been amended to give it a more traditional public house appearance; Toilet facilities are provided on the ground floor; Rooms have been amended to provide more regular-shaped accommodation; and Basement enlarged to provide a plant room for the residential element.

## SUMMARY OF KEY ISSUES

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

- a. **Principle of uses:** The principle of the development is accepted because the proposal includes the re-provision of a public house (The Queensbury being a designated asset of community value) and the provision of housing to help meet borough and London targets.
- b. **Heritage Assets:** The development site, whilst not occupied by a listed building, sits within the Mapesbury Conservation Area, it is opposite the Willesden Conservation Area and grade II listed Willesden Green Underground Station, and 350 metres south of the listed St Gabriel's Church
- c. **Affordable Housing:** The development is proposing 35% affordable housing (by room) and a policy compliant tenure split. The viability assessment has been reviewed and whilst there is some disagreement in relation to some aspects of the financial position, a late stage viability review, secured via a legal agreement, is proposed to capture actual sales values and build costs, and if the scheme viability improves, monies would be secured to towards off-site affordable housing. Although the proposed level of affordable housing falls short of the current policy position (50%), it would accord with emerging London Plan and Brent policy and would accord with Brent Policy when this can be given greater weight.
- d. **Design:** The design of Scheme A is has not addressed all of the concerns raised previously and the quality of design is not considered to be sufficient to justify the loss of the existing building within a designated Conservation Area. The harm associated with this loss is not considered to be outweighed by the benefits of the scheme.
- e. **Scale/Bulk/Neighbour Impact:** The overall scale and bulk of the building is similar to the previously refused scheme where impacts on neighbouring occupiers were considered to be acceptable.
- f. **Quality of accommodation:** The issues with the previously refused scheme have been resolved, and the scheme would be considered to provide a good standard of accommodation for future residents.

## RELEVANT SITE HISTORY

An application (**ref: 18/0210**) for the demolition of public house and erection of a 4 and part 5 storey building comprising 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed) on upper floors with green roof and photovoltaics panels, a public house and function room on ground floor, provision of bicycle storage with associated amenity space, landscaping and refuse stores. Permission was **refused** on 01/05/2018 for the following reasons:

- the development failing to preserve or enhance the character and appearance of the Mapesbury Conservation Area (massing, poor design and lack of articulation);
- the overall inadequacy of the standard of accommodation (undersize units and lack of amenity space for all units);
- a failure to provide the maximum reasonable amount of affordable housing; the additional CO2 emissions in the AQMA together with a failure to achieve a BREEAM rating of at least 'Very Good'; and
- the absence of a legal agreement to mitigate the impact of servicing, parking demand and transport infrastructure, thus being detrimental to the free flow and safety of traffic and pedestrians.

This scheme is currently at Appeal.

Planning permission (**ref: 13/3503**) for the 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) was **refused** on 12/03/2013 for the following reasons:

- The development failing to preserve or enhance the character of the Mapesbury Conservation Area and adversely impacting on the Willesden Green Conservation Area due to the height, scale, massing and density appearing unduly prominent and out of character in the street scene and in the wider locality.
- Insufficient provision of affordable housing.
- The lack of a legal agreement to secure: a Community Access Plan; sustainability measures; job & training opportunities for local residents, adherence to the Considerate Contractors Scheme; a Travel Plan; and restrictions to prevent future residents from applying for parking permits.

The scheme was also **dismissed on Appeal** with the Inspector noting the following:

- The existing building makes a positive contribution to the character and appearance of the Mapesbury Conservation Area and to the setting of both the Willesden Green Conservation Area and the Willesden Green Station
- The buildings contribution to the significance of St Gabriel's Church is modest
- The importance of the building is not integral to the Conservation area and the degree of harm from its loss would be "less than substantial"
- The development would not preserve or enhance the character of the Mapesbury Conservation Area, adversely affect the setting of the Willesden Green Conservation Area and the listed Station, fail to preserve the setting of St Gabriel's Church (but not its significance)
- The public benefits identified (provision of affordable housing, a replacement public house, and the formalisation of arrangements for Busy Rascals, investment in new construction and employment) were outweighed by the "adverse lasting impacts on the character and appearance of the Mapesbury Conservation Area and on the setting of the Underground station would be considerable, even if within the 'less than substantial' category" (para.82 Appeal Decision).

## CONSULTATIONS

### Public Consultation

Letters were sent to the occupiers of 1795 neighbouring and nearby properties in addition to site and press publicity. Fifty-six letters of objection were received with the initial consultation period (from 18/12/2018) with an additional 26 letters received following a further round of consultation (from 05/04/2019) following the receipt of amended plans. Objectors raised some or all of the following points:

<u>Comment</u>	<u>Response</u>
<b>Heritage</b>	
Inspector noted in a previous appeal that the building makes a positive contribution to the setting of a grade II listed station, which would be desirable to preserve. This is a blanket recommendation to all future development.	Please see Heritage section of this Report
Appeal scheme dismissed on the basis that the development would not enhance the conservation area and stressed the importance of the existing building	Please see Heritage section of this Report
The existing building needs to be protected into perpetuity. Brent could list the Queensbury Pub as a heritage asset.	Please see Heritage section of this Report
Destroying another old building on the edge of a conversation area	Please see Heritage section of this Report
Brent Planners should look at the historic events involving Westminster Council's planning department in 2015 with The Carlton Tavern	This was a grade II listed building which was demolished without permission and has no relevance to the current scheme.
The development will sever the links with the past by eroding historic character	Please see Heritage section of this Report
Object to destruction of a turn of the century nice building with a breathtakingly beautiful steep and large roof	Please see Heritage section of this Report

Replacement building does not preserve or enhance the conservation area	Please see Heritage section of this Report
The proposed apartment block is very unattractive from the outside and certainly does not fit in with the Edwardian and Victorian appearance of the Mapesbury conservation area	Please see Heritage section of this Report
Little left of character in Willesden but the old library tower remains.	Please see Heritage section of this Report
Brent Council's policy BE27 is that a building in a conservation area cannot be demolished, partly demolished or in any substantial way altered unless they positively detract from the character or appearance of the conservation area	Please see Heritage section of this Report
The existing building complements the Grade II listed station and elegantly shapes one of the gateways to Willesden Green	Please see Heritage section of this Report
The pub is one of the last icons remaining in Willesden Green conserving the area's charisma	Please see Heritage section of this Report
It is so important for those of us who live in the area, to retain the main building with its charming pub full of character, and wonderful sunny terrace for summer	Please see Heritage section of this Report
The demolition of this building with replacement with a rather generic modern apartment block would give rather the impression that you could be anywhere	Please see Heritage section of this Report
The current building can be seen as the flagship of the conservation area	Please see Heritage section of this Report
<b>Public House/Community Use</b>	
Whilst there is a need for housing, there is also a need for place where the community can gather, socialise, relax	A public house is being re-provided
No other place like this which not only brings community together it brings income and jobs to the area	A public house is being re-provided
Will be forced to travel to other areas to find a similar establishment	A public house is being re-provided
No safeguards for Busy Rascals and nothing in the new plans about how they would operate.	A community / function room is being provided. The existing arrangement with Busy Rascals is informal and there is no requirement to provide a community use.
The only community gastro pub bringing everyone together. A newly built pub would not replace it.	A public house is being re-provided
Similar to the situation of the Corrib Rest in Queens Park, only difference is Queens Park has more restaurants and bars for community.	A public house is being re-provided
This is a vibrant pub and community hub protected by CP23, the London Plan, and paragraph 70 of the NPPF.	The development does not involve the loss of a public house from the site as one will be re-provided
Proposed development does not protect the A4 use within the overall scheme – noise insulation should be required.	The development would have to meet with Building Regulation requirements for noise insulation
The ownership, maintenance and management of the Function / Community Room are not defined and should be in perpetuity	A Community Access Plan will be provided
What will be the legal status of the Function / Community room, who will own the ground on which the room sits	A Community Access Plan will be provided. Ownership rests with the owner of the site
The Queensbury is a recreational and sociable	This is a mixed-use development with a

amenity - it is entirely inappropriate for the council to approve replacing The Queensbury with private housing - a completely different category of usage.	public house being re-provided together with residential
Too many pubs are being lost in London, so Brent Council should reject this proposal to demolish the building	A public house is being re-provided
The only local good pub and bar will be closed	A public house is being re-provided
There is negligible community pay-back and what is proposed is not seriously practical as a community user-space, should be 156sqm or 3% of the total area of the building	The proposed community / function room is a significant improvement on the existing by providing a dedicated space 3x the size of the informal area currently provided. In addition, there is an external area for the sole use of this element.
The internal footprint of the new pub, is much smaller than the existing pub, and has much lower ceilings and is too long and narrow	Please see Public House / Community Use section of this Report
A highly inappropriate replacement "community" area has been proposed - totally unfit for purpose.	The proposed space is 3x greater than the existing temporary space
Removing the pub would also contribute to the loss of businesses from across the road	The public house will be re-provided
There is nothing in the appeal that guarantees the re-instalment of the pub and the community area	Should the appeal scheme be approved, it will be on the basis of the plans which show a public house
No kitchen or ventilation in the proposed plan	Provision of a kitchen is a management decision and is not a requirement for a public house. Kitchen ventilation is shown on the roof plan.
<b>Design</b>	
No amount of internal tweaking will make me change my mind. Recent amendments are only cosmetic	Please see Design section of this Report
The façade to the public house looks unaccommodating, has no exterior space, or 'garden suburb' atmosphere.	Please see Design section of this Report
Prefer the other facade, and object to any room size of less than 10m2	Please see Design section of this Report
Roof elevation is far too high and overbearing and is ill conceived in design related to the neighbouring buildings	Please see Design section of this Report
Amendments do not make up for the loss of the existing building - roof line doesn't compensate for the loss of the existing roof which enhances the sounding built environment providing an interest roof line	Please see Design section of this Report
Yet another attempt to shoehorn an ugly inappropriate development into the space at 110 Walm Lane	Please see Design section of this Report
A poor design	Please see Design section of this Report
Obtaining the maximum number of units seems to be the priority	Please see Design section of this Report
Inappropriate location for bin store at the front	Please see Design section of this Report
Diagonal bays and stepped balconies are a mistake	Please see Design section of this Report
Object to any room less than 10 m2 - 7.5m2 is unacceptable for any living standard	Rooms comply with the Technical Standards
Too tall – shouldn't be taller than No.112	Please see Design section of this Report
Why not build around the existing building, as was done with the library?	Please see Design section of this Report
Balconies out of character with the area	Balconies are found within the wider area

Design of pub is poor	Please see Design section of this Report
Internal layout for the 'pub' is not spacious enough to give space for a kitchen facility	It is a management decision as to whether a kitchen is provided.
Characterless inside and out	Please see Design section of this Report
Should not be allowed to build up to the boundary lines in order to maintain the existing space around the building	Please see Design section of this Report
The mass of the base block (to the rear) is too bulky for the setting	Please see Design section of this Report
Not so much the height but the blandness of the roof line in particular. The skyline of existing properties broken up due to chimney stacks, protruding dormers and gable ends. The current proposal will be visible from many angles and is overbearing and lacks interest.	Please see Design section of this Report
All three proposals look like a blocky concrete nightmare designed to jam more people in with a lack of greenery and outside space.	The LPA is only considering two schemes (A & B) whilst the Planning Inspectorate will be determining the Appeal scheme.
Out of scale with other buildings, especially the grade II listed Willesden Green Station	Please see Design section of this Report
LP policies 7.4 and 7.6 seek to protect local character and architectural quality	Please see Design section of this Report
Almost no change between rejected and proposed scheme and the design alterations do not bring any improvement	Please see Design section of this Report
Quality of the architecture continues to be poor and not worthy of the Conservation Area where it's located	Please see Heritage section and Design section of this Report
The new articulation of the façade is a simplistic approach and a failed attempt to relate to the character of the buildings along Walm Lane	Please see Design section of this Report
The proposed massing is out of scale with its surroundings	Please see Design section of this Report
The proposals for the retail space are out of character with the area and with the Willesden Green retail design guidelines	Retail is not proposed
New proposal is even worse than the one which has previously been rejected by the Council. The proposed new building is too high, too solid, too ugly and does nothing positive for the community or the look of the buildings forming that part of Walm Lane	Please see Design section of this Report
The applicants should be directed to come back with a proposal based on retaining the existing building, or at least the front portions of it, and building in the rear portion of the site, where there is quite a large area, which is currently a car park, and towards the side of the main building	Please see Design section of this Report
The proposed edifice is a big hulking ugly lump which does zero to enhance the area. It overshadows everything. A bunch of red brick and faux bay windows does not make for sympathetic Edwardian style	Please see Design section of this Report
A gold fish bowl shop front	
Should be limited to same height as 112 Walm Lane (5-storeys), with the top floor set back.	Please see Design section of this Report
Should be flat fronted like No.112 Walm Lane	Please see Design section of this Report
Entrance to flats is too narrow can be improved using our plan submitted	Please see Design section of this Report
No disabled / baby changing toilets on the	Amended plans show WC facilities on the

ground floor.	ground floor
Detrimental effect on the Walm Lane frontage with the loss of outdoor space	Seating area is re-provided at the front
Loss of a unique large open area in front of the pub which provides benefit both to users and is pleasant for the general public	Seating area is re-provided at the front.
Proposed beer garden does not have the same charm and character of the existing. At present raised and sheltered from passers by with the new one dropped down to below the footpath in places and open to all passers by.	Raised planters will help screen the re-provided seating area and being set at street level enables easier access.
Insulting to simply dismiss retention of existing building and development of the rest of the site by simply stating "This approach was tested, but discounted owing to the excessive height of the block and its poor relationship with the existing building"	Please see Design section of this Report
<b>Amenity</b>	
Residential above a public house is not a socially wise strategy because of potential noise complaints	Development will have to meet with Building Regulations
Will block light	Please see Impact on Neighbour Amenity section of this Report
Overlooking of existing buildings/properties	Please see Impact on Neighbour Amenity section of this Report
Overlooking and loss of privacy to houses on Dartmouth Road	Please see Impact on Neighbour Amenity section of this Report
<b>Affordable Housing</b>	
Insufficient affordable housing proposed	Please see Housing section of this Report
Are there guarantees about affordability?	Affordable units are secured by a legal agreement
There aren't enough affordable flats in the plan - affordable housing is needed in NW2, this needs to be addressed	Please see Housing section of this Report
The development will not benefit local residents by providing low cost social housing and will not provide any new community amenities, in fact the opposite	Please see Housing section of this Report
Would like to see further documentation to support the low valuation given to the property - which does not seem accurate and therefore should not be used as a reason to pull away from providing social housing in the mix	Social housing is being provided but not at a policy compliant level. As a result, the FVA is being assessed by independent consultants to establish the maximum level of affordable housing that can be provided.
<b>Environmental Matters</b>	
No sign of environmental considerations – no evidence that it will offset its environmental impact	Please see Sustainable Design section of this Report
Landscaping is poor quality and does not reflect the Mapesbury planning guidelines which specifically state that frontages should be of permeable materials and a minimum of 50 must be planted	Please see Sustainable Design section of this Report
Insufficient to meet with the policy of ensuring the greening of Brent. Little space for increasing the tree planting	Please see Sustainable Design section of this Report
there is more evidence of the environmental impact of concrete, with it accounting for 8% of global CO2 emissions. Therefore, opportunities like this one to retain some or all of existing buildings, should be taken whenever they can.	Please see Sustainable Design section of this Report
<b>Highways Matters</b>	

Increased traffic on an already busy road	Please see Highway Safety section of this Report
No provision for visitor parking	Please see Highway Safety section of this Report
Servicing shown from the main street, in the busiest spot of Willesden Green increasing the already problematic congestion	Please see Highway Safety section of this Report
Lydford Rd is already a rat run.	Please see Highway Safety section of this Report
Although there are plans for 2 parking spaces in front of the building it will still be incredibly congested as there is a bus stop opposite the station and there are plans to move the bus stop from opposite Sainsbury's Local to outside Foxton's - right opposite the site -which will cause huge traffic problems	Please see Highway Safety section of this Report
<b>Other Matters Raised</b>	
Are there guarantees the flats won't be sold off plan abroad, like the library centre flats?	
Devious to provide us with many applications and clearly hoping that consultees will miss one	
Underhand how the developer has submitted two applications before the appeal has been heard	
These constant planning applications are a total waste of public time and resource, an attempt at attrition.	
Not enough GP's to cope with an influx of new patients	
Not enough school places	
I don't think that local residents (and voters) will be happy if this is approved	
These plans are in almost every way identical to the last set of plans proposed. Evidently the planners hope that by continually resubmitting the same ideas, local residents will tire of responding and they'll eventually get their plans through unnoticed	
It is time that no more application are filed for 110 Walm Lane which should be a protected building	
Brent Council could make a compulsory purchase of the land, and with the protection of the pub and its facilities, keeping the pub as a listed and protected building within the Conservation area, the land behind could be used to build more council flats for key workers	
Would hope the planning department will refuse this scheme and intervene with a protection order that would stop any more applications being made	
This plot must not be used to profit developers and, most likely, overseas purchasers. It should be developed to benefit local people, possibly via a joint council/community enterprise.	

The Mapesbury Residents Association object for the following reasons:

<u>Comment</u>	<u>Response</u>
<b>Heritage</b>	
Proposed new building is too tall and too bulky	Please see Heritage section of this Report

and would detract from the appearance of the area and does not preserve or enhance existing conservation area	
The existing building makes a positive contribution to the setting of the listed station, which according to the previous Appeal inspector, would be desirable to preserve. The Planning Authority ought to respect that view and act consistently with it.	Please see Heritage section of this Report
<b>Public House/Community Use</b>	
The function/community room is too small. It would need to be doubled to be useful	Please see Public House / Community Use section of this Report
The function/community room is poorly laid out and badly located in an insecure place	Please see Public House / Community Use section of this Report
Size of the Function / Community room is not of sufficient value in relation to the value of the planning permission being sought	Please see Public House / Community Use section of this Report
Floor plan of the pub is too long and narrow	Please see Public House / Community Use and Design sections of this Report
Replacement pub has neither a kitchen nor ventilation in the proposed plan which will severely limit its menu	Please see Public House / Community Use section of this Report
Poor floor plan and absence of a kitchen must impact upon its popularity with residents. It would be a completely inadequate replacement for the existing pub and brings into question the viability of the proposal for this space as a replacement for a popular and important local amenity	Please see Public House / Community Use section of this Report
Ownership, maintenance and management of the Function / Community Room are not defined	A Community Access Plan will be provided. Ownership rests with the owner of the site
<b>Design</b>	
The applications are described as 4 and in part 5 storeys; however, both schemes are 6 storeys visible height across the frontage with 5 storeys behind.	Please see Design section of this Report
Each floor is taller than those of no 112 and the roof level would therefore be 1.5 storeys higher than the 5 storeys on no 112	Please see Design section of this Report
No attempt to harmonise with no 112. It does not carry across the basic simple flat front wall with rectangular balconies of 112. Instead there are prominent bays forming a modelled front, stepping in and out, drawing attention to the bulk of the new building	Please see Design section of this Report
Proposed horizontal banding for the brickwork between the bays and balconies is whimsical and unnecessary	Please see Design section of this Report
Main entrance to the flats is a constricted passage next to the bin store	Please see Design section of this Report
Metal cladding is for industrial sheds and timber cladding has no feel of permanence and quickly deteriorates in appearance.	Please see Design section of this Report

One letter of support has been received, confirming that it is good to see more housing in an area which needs it; and the investment in the area.

#### Internal / External Bodies

*London Underground*

*Document Imaged*

It has been advised that there are no objections in principle to the proposed development. However, given the close proximity to railway infrastructure, it is requested that a condition is imposed to secure details of design and method statements to ensure no impact on LU infrastructure.

It is advised that although the proposal is separated from Network Rail land by the LUL, Network Rail still need to be aware of any piling works on site or any tower crane working. In addition, the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents must be explored.

#### *Historic England (GLAAS)*

It has been advised that GLAAS do not wish to provide comment.

#### *Thames Water*

With regard to foul water sewage network infrastructure capacity and water network and water treatment infrastructure, no objections are raised based on the information provided. Concerns are raised over the existing surface water infrastructure to accommodate the needs of this development proposal and that it is expected that surface water is attenuated to Greenfield run off rates prior to discharge to the surface water sewer.

#### *Community Protection*

No objections subject to conditions.

#### *Environmental Health*

The methodology of the Aether AQ report and the conclusions drawn are considered acceptable. Conditions are proposed in relation to securing a Construction Method Statement

#### *Local Lead Flood Authority*

It is also advised that the site is within Flood Zone 1 and the risk of flooding is considered very low, with no historical records of flooding in the area. The scheme reduces the impermeable area and also includes permeable paving and a storage tank. No objections are raised.

#### *Transportation*

No objections are raised.

## **POLICY CONSIDERATIONS**

### The London Plan

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- 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
- Policy 3.13 Affordable housing thresholds
- Policy 4.3 Mixed use development and offices
- Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies  
 Policy 5.9 Overheating and cooling  
 Policy 5.10 Urban greening  
 Policy 5.11 Green roofs and development site environs  
 Policy 5.12 Flood risk management  
 Policy 5.13 Sustainable drainage  
 Policy 5.14 Water quality and wastewater infrastructure  
 Policy 5.15 Water use and supplies  
 Policy 5.16 Waste net self-sufficiency  
 Policy 5.18 Construction, excavation and demolition waste  
 Policy 5.19 Hazardous waste  
 Policy 5.21 Contaminated Land  
 Policy 6.3 Assessing the effects of development on transport capacity  
 Policy 6.9 Cycling  
 Policy 6.12 Road network capacity  
 Policy 6.13 Parking  
 Policy 7.1 Lifetime neighbourhoods  
 Policy 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.14 Improving air quality  
 Policy 7.15 Reducing noise and enhancing soundscapes  
 Policy 7.18 Protecting open space and addressing deficiency  
 Policy 7.19 Biodiversity and access to nature

#### Core Strategy

CP1 Spatial Development Strategy  
 CP2 Population and Housing Growth  
 CP6 Design & Density in Place Shaping  
 CP15 Infrastructure to Support Development  
 CP17 Protecting and Enhancing the Suburban Character of Brent  
 CP18 Protection and Enhancement of Open Space, Sports and Biodiversity  
 CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures  
 CP21 A Balanced Housing Stock  
 CP23 Protection of existing and provision of new Community and Cultural Facilities

#### Development Management Document

DMP 1 Development Management General Policy  
 DMP4a Shop Front Design and Forecourt Trading  
 DMP9a Managing Flood Risk  
 DMP9b On Site Water Management and Surface Water Attenuation  
 DMP12 Parking  
 DMP13 Movement of Goods and Materials  
 DMP15 Affordable Housing  
 DMP18 Dwelling Size and Outbuildings  
 DMP19 Residential Amenity Space  
 DMP21 Public Houses

#### Other Relevant Policy Considerations

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 Technical housing standards – nationally described space standards (2015)  
 draft London Plan (2017)  
 Mayor of London - A City for all Londoners  
 LB Brent S106 Planning Obligations SPD (2013)  
 LB Brent Design Guide for New Development (SPD1)  
 LB Brent Residential Extensions & Alterations (SPD2)  
 LB Brent Shopfronts SPD (SPD3)

LB Brent Basement SPD (Jun 2017)  
LB Brent Willesden Green Conservation Area Character Appraisal (2006)  
LB Brent Mapesbury Conservation Area Character Appraisal (2006)  
LB Brent Mapesbury Conservation Area Design Guide (2018)  
LB Brent Waste Planning Guide SPG  
Community Infrastructure Levy Regulations 2010  
London Cycling Design Standards

## DETAILED CONSIDERATIONS

### Heritage Considerations

#### *Statutory Background and the NPPF*

1. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Buildings Act”) confirm that special attention shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “*considerable importance and weight*”. Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).
2. Section 16 of the NPPF (“Conserving and enhancing the historic environment”) (paras. 184 to 202) advises Local Planning Authorities to recognise heritage assets as an “irreplaceable resource” and to “conserve them in a manner appropriate to their significance” (para.184). In determining applications, LPA’s at para.192 take in to account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness
3. When considering the impact of a proposed development on the significance of a designated heritage asset, it is advised at para.193 that “*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.195). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.196) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.197). Whilst being encouraged to look for new development opportunities within Conservation Areas (para.200), it is also advised at para.201 that not all elements of a Conservation Area will necessarily contribute to significance. Loss of a building or other element, which makes a positive contribution to the areas significance, should be treated either as substantial harm under para.195, or less than substantial harm under para.196 (the harm to be weighed against the public benefits of the proposal). For the avoidance of doubt, it should be noted that the term “public benefit” is set out with the Planning Practice Guidance (Paragraph: 020 Reference ID: 18a-020-20140306):

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

*Public benefits may include heritage benefits, such as:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

4. A “benefit” is not limited solely to heritage benefits but to all material planning benefits arising from a particular scheme, providing that they meet with the relevant policy tests for conditions and obligations
5. It is also important for Members to note that with regard to the legislation, the term “setting” only refers to listed buildings and not to Conservation Areas. The NPPF defines the setting of a heritage asset as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

#### *The Local Plan*

6. Policy 7.8 of the London Plan (“Heritage Assets and Archaeology”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. The supporting text to Policy CP17 (“Protecting and Enhancing the Suburban Character of Brent”) of the Core Strategy confirms that the Borough’s historical assets need to be protected and conserved. Policies DMP1 (“Development Management General Policy”) and DMP7 (“Brent’s Heritage Assets”) confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.
7. There are several heritage assets against which the proposed development should again be considered. These include:
  - The Mapesbury Conservation Area;
  - The Willesden Green Conservation Area; and
  - Willesden Green Underground Station (grade II listed)
  - St Gabriel’s Church
8. What must therefore be determined is whether the proposed development will harm the significance of the aforementioned heritage assets, having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72).
9. The proposal will have a greater or lesser impact on individual heritage assets. The factors for consideration will be:
  - Proximity
  - Visibility
  - Compatibility of the proposal with the context and setting of the asset
  - The significance of the asset
  - The sensitivity to harm of the asset

#### Assessment Against Significance of Heritage Assets and Consideration of any Public Benefits

##### *The Mapesbury Conservation Area*

10. Appraisal and Design Guide) from the area being largely unaltered from when development largely took place from just before the turn of the 19<sup>th</sup> Century. The area is characterised by wide tree-lined streets and town houses of high architectural quality with intricate detailing. It is also acknowledged that the inter-war houses are of a similar quality and integrate well with those earlier houses. What sets the Mapesbury Conservation Area apart from developments in the local and wider context is:
  - The scale of the buildings;
  - Quality of the architecture and detailing with largely unaltered building frontages;
  - The views between the houses and the open nature of the rear gardens being relatively exposed to view giving the area its characteristic green and open vista

11. The significance of the Conservation Area is “*under pressure from insidious small scale change through erosion of building detail*” (section 6.7, Character Appraisal). Prior to the implementation of the Article 4 Direction in November 1987, some harm had been caused on some properties through insensitive changes to front gardens (including boundary walls), fenestration, and extensions.
12. The sites positioning in the south west corner of the Mapesbury Conservation Area and north of the railway line and elevated above street level, results in it acting as a gateway to the conservation area and as a local landmark. In the appealed application (ref:13/3503), the Inspector described how the buildings scale and use of materials are an important highly prominent announcement of the character of the Mapesbury area and due to its location, a cornerstone that provides a marker of the area’s history and character. Although the Inspector acknowledged that the existing building is not of outstanding design merit, it was considered that the building is still sufficiently distinctive and pleasing in its design to carry off its local landmark function. The Inspector considered that the building makes a positive contribution to the character and appearance of the conservation area and that the preservation of this contribution would be desirable. Importantly, the Inspector concluded that although the building does make a positive contribution, its importance is not absolutely integral to the quality of the area as a whole. This sentiment is echoed by the Council’s Heritage Officer, who whilst recognising some positive design features of the building (detailed façade with coursed tile hanging, multi-paned windows and red brick dressings characteristic of Mapesbury), considers that the Queensbury is not integral to the character or appearance of the conservation area and its demolition should be seen as resulting in “less than substantial harm”.
13. From certain vantage points (approaching the site from the north and standing directly in front), views of the existing building are obscured by existing development or trees in front of the building. The prominence of the existing building is derived partly from its elevated ground level but more so from its views when approached from the south, as it is located next to the cutting for the railway lines (approximately 40m wide) and with only three single storey shop units at the front with their front building line angled towards the site, resulting in no intervening buildings to obscure views of it. This view reveals a large catslide roof and the upper floors of the building. Views into the site at the point of the existing vehicular access reveal a 2 storey extension which whilst brick-built, appears incongruous, signage for the various other activities on site which only contribute to visual clutter, and part of the car park. These elements detract from the setting of the existing building. Views of the rear of the site are only afforded from the surrounding multi storey buildings and reveal more of the car park, the unsympathetic extensions, and the impact of the scale and massing of No.112 Walm Lane.
14. In identifying any public benefits to help justify the loss of the existing building, which is considered to make a positive contribution to the Conservation Area, the following is advanced:
15. The redevelopment of the site would remove all of the negative features experienced from the public realm, described above.
  - It will improve the outlook from the neighbouring properties.
  - Glimpses towards the rear would be maintained and improved upon through the pedestrian entrance.
  - Direct street-level access is provided
  - The proposal would contribute to increasing the stock of housing within the Borough through the provision of 48 residential units
  - The number of family units proposed will be a policy compliant 25%
  - 35% of habitable rooms will be affordable housing.
  - The applicant will formally provide a community space within the re-provided public house, in place of the informal existing arrangement, with the arrangement secured through a Community Use Agreement.
- Notwithstanding the public benefits identified above, these are considered to be outweighed by the harm that would be caused through the introduction of a building, which by virtue of its poor design, has an unacceptable massing at the front through the reintroduction of the deep front projection and front dormer window which the Local Authority has objected to previously. This massing would, like the Appeal scheme, continue to be overly bulky, clunky and unattractive, appearing out of place within the streetscene. This is discussed in more detail later in this report.

#### *Willesden Green Conservation Area*

16. The Willesden Green Conservation Area was designated in January 1993. The junction of High Road and Walm Lane, together with the junction at the original library are considered to be the foci, with

tributary roads offering nodes of activity and interest. The predominant character is one of commercial uses with offices and residential above. The main exception being Heathfield Park, a residential area of large town houses and villas separated from the high street by Walm Lane. At section 4.1 of the Appraisal, it advises that the only significant modern development within the Conservation Area, located opposite the station, has been “*sympathetically designed and is in keeping with its surrounds*”.

17. Although opposite the northern extremity of the Conservation Area, the nearest of the foci (the junction of High Road and Walm Lane) is some 360m to the south. From this junction, and due to the curvature of the road, it is not possible to view the application site, with only the tallest element of Erin House looming in the distance. It is therefore considered that the development would not cause harm to the significance of the Conservation Area and it would therefore not be necessary to consider any public benefits.

#### 18. *Willesden Green Underground Station*

19. The grade II listed Willesden Green Underground Station was listed in 2006 (List Entry No. 1391808), with the principle elements worthy of listing being: the materials (“*a distinctive cream terracotta tiling...dressed with moulded terracotta architraves, quoins, and raised panels. Windows are metal-framed casements paired along the front with cross mullions*”); the exterior facing Walm Lane which includes the original serif upper-case lettering announcing the station name on the cornice and the solid diamond motif of the Metropolitan Railway Company, the two original cantilevered entrance canopies with late C20 dark blue fascia, two original shops with quadrant shopfronts with curved glass, and the cantilevered diamond-shaped clock; and the interior booking hall. It should be noted that the listing considers that the south elevation and the areas beneath the ticket office are not of special interest.

20. The architectural significance of the station is largely derived from the design and detailing of its front elevation. Although the views towards the application site is one of the first someone would experience when exiting the station, it is considered that the development proposal will not harm the elements which contribute to the significance of the building. It is considered that the application site falls within the setting of this listed building as both sites are clearly in view on approaches from the south and west (Station Parade). It is considered that the disjointed design of the new building would interrupt the pleasant backdrop provided by the existing arrangement, however this “less than substantial harm” is considered to be outweighed by the substantial public benefits identified above.

#### *Church of St Gabriel*

21. Grade II listed Church of St Gabriel (List Entry No.1188738) is described in its list entry as:

*Architects R P Day and W Bassett Smith. Circa 1898. Rubble ashlar dressings. Tiled roofs. Chancel, nave with clerestory and low side aisles. West tower of oblong plan with sloping tiled saddleback roof. Five bay nave. Contemporary fittings. Conspicuous among surrounding buildings.*

22. The development site is approximately 345m south of St Gabriel's and is considered too distant to have any detrimental impact on the significance of this heritage asset. This is a view supported by the Inspector at the previous Appeal (paras.35 & 36, Decision Letter), although he did consider that the application site did form part of the setting of the Church and the impact on setting would not be severe (para.56, Decision Letter). This conclusion is still supported and therefore it is not necessary to consider any public benefits.

#### Summary of Heritage Considerations

23. When considering applications which will impact on heritage assets, the decision maker must give considerable importance and weight to the desirability of preserving the setting of a listed building (s.66) and preserving or enhancing the character and appearance of a conservation area (s.72). There is a presumption in law to refuse applications which would cause harm, as great weight must be given to the preservation of those heritage assets. As paragraph 93 of the NPPF confirms, the more important the asset, the greater the weight should be. Harm can potentially be outweighed where public benefits exist which are sufficiently powerful enough to outweigh the identified harm. The existing building is considered to not be worthy of designation as a heritage asset in its own right but it is considered to make a positive contribution to the historic interest of the area but is not integral to the area. Its loss would cause less than substantial harm, for which consideration has been given to the existence of any public benefits as required by paragraph 196 of the NPPF.

24. In its current form, the poor design of the proposed development would not conserve and enhance the character and appearance of this part of the Mapesbury Conservation Area. In the consideration of whether any public benefits exist, these are identified above but it is considered that these are outweighed by the overall design of the proposed building and in particular those front elements of it.
25. With particular regard to the setting of the grade II listed Willesden Green Station, whilst "less than substantial harm is identified, this is considered to be outweighed by the significant public benefits which would arise. With regard to the other identified heritage assets, it is considered that the proposed development will not harm their significance
26. Having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72), the proposal has been assessed against the identified heritage assets as set out above. It is considered that the development proposal, by virtue of the overall design, will unacceptably harm the character or appearance of the Mapesbury Conservation Area contrary to Policy 7.8 of the London Plan, Core Policy 17, Policies DMP1 and DMP7 of the Development Management Policies, and with section 16 of the NPPF. For completeness, the development proposal will also be assessed against any other material considerations, in accordance with s.38(6) of the of the 2004 Act and s.70(2) of the T&CPA 1990.
27. Public House / Community Use
28. The existing public house is a designated Asset of Community Value ("ACV"), a designation that recognises the importance of the use to the community and its wellbeing. It is important to note that the designation does not mean that the site cannot be redeveloped but that the local community is given a six-month period to make a bid for the asset should it be sold. Policy 4.8B of the London Plan, together with DMP21 ("Public Houses") have the overriding aim of protecting facilities which are valued by the community and seek to protect public houses. DMP21 sets out the criteria upon which an application for the loss of a public house would only be supported. Although the development proposal does involve the loss of the existing public house, and objections to this are noted, it is again proposed to re-provide a public house on the ground floor with ancillary basement accommodation. Designation does not prohibit any potential redevelopment of the site but instead requires an owner wishing to sell the ACV to give the community six months to raise funds and make an offer - a community right to bid. The application site is not being sold and the re-provision of the public house (with the benefit of a community space) would therefore accord with the aforementioned policies.
29. The existing floor space comprises of a bar with dining room, toilets and kitchen on the ground floor, providing a total of 286sqm. The basement (95sqm) houses the ancillary storage, kitchen and plant room. The pub, which is long (27.5m) and narrow (6.3m wall to wall) occupies an area of 194sqm, inclusive of 28sqm of space at the rear used by Busy Rascals on an informal basis in the mornings from Monday to Saturday.
30. The total floor area proposed for the ground floor will be approximately 300sqm, with a further 235sqm within the basement, inclusive of 176sqm for the ancillary back of house accommodation and the remainder as a plant room for the residential element. The pub will be 22m long and 6.8m wide (not including the depth of the three bay windows), and will occupy 205sqm while the additional 95sqm will be provided for a dual-use function room / community use, with access to toilet facilities at this level, and to an external area.
31. External seating will continue to be provided for the public house patrons on the Walm Lane frontage and as mentioned above, separate external space is provided for the function room/community use element. It is considered that the re-provided public house is acceptable in terms of the quantum of development and the quality of the spaces proposed. Moreover, level access is now provided to the seating area and into the building. The provision of raised planters on the site frontage will provide a level of screening.
32. Objectors have questioned the ownership and legal status of the community space, its management, and how access to toilet and kitchen facilities are managed. As with the current scenario, the owner of the building and/or public house would own the space. However, this is a legal matter and not a planning consideration. As with the current arrangement, access to the various amenities is still at the discretion of the owner/manager of the public house and given that there is not a permanent community use currently in place, there is no requirement in planning terms to re-provide one, although the owner is willing to provide one. The proposed space will be of an improved quantum and quality, as the existing space at the rear of the pub is approximately 32sqm compared to the 92sqm proposed. In addition, an outside

space of approximately 85sqm is also proposed along the southern boundary. To provide some certainty around access, whether by Busy Rascals or any other community group, the applicant is also willing to provide a Community Access Plan, which would be secured through either condition or a legal agreement.

33. Although the existing pub has a kitchen, this is not a requirement for a pub and the provision of one remains a management decision. However, should a kitchen be provided, details of the design and siting of any extractor kit will need to be provided for approval to ensure that there will not be any harm to residential amenity and to visual amenity. It should be noted that the roof plan does show a kitchen extraction vent.
34. The viability of the public house has been brought into question by objectors who are of the opinion that the floor to ceiling height is insufficient. In response to this the applicant has provided updated plans confirming that the floor to ceiling height will be 3.15m. Moreover, the ceiling depth above the pub is 450mm which is considered sufficient for providing a suitable thickness of acoustic insulation and relevant services. In addition, an email from Davis Coffey Lyons, Leisure Property Consultants, has confirmed that the proposed floor to ceiling height is acceptable would be acceptable for bar use.
35. In summary, the proposed development will not result in the net loss of a community facility as a public house will be re-provided. Moreover, a dedicated, improved, space is being provided for the wider community and community groups (inclusive of Busy Rascals).

#### Density

36. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
37. The site (approximately 0.218ha) is located within an area with a public transport accessibility level ("PTAL") of 6, suggesting that an appropriate level of density for this urban location is in the range of 200-450hr/ha or 70-170u/ha.
38. One hundred and forty one (141) habitable rooms proposed within 48 units, equating to a proposed density level of 646hr/ha or 220u/ha. From a numerical perspective, the proposed density exceeds the suggested range, however, adopted policy acknowledges that a numerical assessment of density is but one factor to consider in assessing whether the site is capable of accommodating the proposed development. Consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highways matters. These are considered below.

#### Design / Scale / Character / Appearance / Proximity to Boundaries

39. Issues raised with the scheme at Appeal related to the overly bulky appearance of the front elevation due to the 3-storey, 5.45m deep projection with bay windows and the large roof. The mixture of architectural styles was considered to accentuate the fact that the building would appear out of place in the streetscene, with the front elevation considered to be poorly proportioned and detailed. In addition, there was considered to be a lack of definition on the public house and residential elements, with the public house entrance lacking any legibility.
40. Scheme A remains similar to the scheme at Appeal and other than the amendments to the public house façade (discussed below), has not addressed the design concerns raised with that scheme. Whilst the overall size of the roof is similar to Scheme B and considered acceptable, the massing at the front of the building as a result of the retention of the deep front projection (6.8m or 7.5m to the end of the bay windows) would continue to maintain the overly bulky, clunky and unattractive appearance of the Appeal scheme, introducing an unwelcome visual intrusion into the streetscene. There would be of course greater massing and bulk extending into the site, however the rear elements remain suitably subservient to the main block.
41. At ground floor level, a more traditional-looking public house is now provided. The design approach is

similar to that of Scheme B, however the colour scheme will be green and white, with a white entablature, grey doors, windows, and stall risers. The white finish will also wrap around the southern elevation to incorporate the function room/ community use element. Unfortunately, unlike the strong colour contrast evident between the residential and commercial elements with Scheme B, it is difficult to differentiate between these two elements on the southern elevation. On the Walm Lane elevation, by virtue of those materials, there is insufficient distinction between the public house and the residential above, giving the appearance of a hotel frontage. It should be noted that whilst a proposed materials palette has been included (Drawing No. 4704/PA/400), different materials can be conditioned if Members were minded to approve the development.

42. Notwithstanding the continuing issues with regards to the bulky appearance caused by the front extensions, the overall character and appearance of the building is of a mansion block. This form of residential development, as discussed above, is found within the wider area. On this type of development, it is common to find balconies on front elevations between projecting bays (Chichele Mansions, Exeter Mansions), and gable ended roofs (Alexandra Mansions).
43. Some objectors have queried why the existing building could not be retained as part of any development of the site. The quantum of development required to provide a viable scheme would result in a massing and scale of development which would completely dominate the existing building and potentially cause harm to the amenity of neighbouring occupiers through overshadowing. In addition, the interventions that would be required to the existing building to ensure it complied with standards of accommodation and level access could unacceptably compromise the integrity of the existing building.
44. In summary, whilst features of the proposed development are common to the wider area, the overall design approach has not addressed previous concerns raised about the scaling and massing of the front elevation in particular.

#### Quality of Accommodation

45. To improve the quality of new housing, new development must meet with or exceed the minimum internal space standards contained within the London Plan (Policy 3.5 Quality and design of housing developments), and the nationally described space standards ("Technical Standards"). Concerns were raised in relation to the refused scheme over the substandard size of some of the units and the layout of certain units due to their narrow widths and irregular shapes. The current scheme has addressed these matters with all units meeting or exceeding their respective floorspace standard and the layout of units has improved to ensure that minimum width standards for individual rooms comply with the Technical Standards. It should be noted that unit 4.03 is annotated to be a 3b5p although each of the bedrooms exceed the minimum standard for double rooms. As such, it falls short of the minimum GIA of a 3b6p (95sqm) unit by 3sqm which on balance, having regard to the layout and quality of accommodation is considered acceptable. Moreover, internal space does not necessarily imply occupancy but is a means of classification for planning purposes.
46. To ensure acceptable levels of light, north facing single-aspect units are discouraged, although it is recognised that this may not always be unavoidable. Similar to the refused scheme, there are no single aspect north-facing units. Three previously proposed units gave rise to concerns over their primary outlook facing the flank wall of the upper floor units on the block towards the rear at a distance of not more than 5m. Whilst this relationship had not changed, each of the respective units (2.06, 3.06 and 4.04) also have some outlook towards the south. In the case of units 2.06 and 3.06 this is provided in the form of balconies while that for unit 4.04 is a window. On balance, this is considered to sufficiently overcome the concerns previously raised.
47. Paragraph 180 of the NPPF confirms that planning decisions should mitigate and reduce to a minimum any resulting impacts from noise. Objectors have again raised questions over the impact of the pub on residents through noise disturbance. To assist in the consideration of any potential noise impact, an *Environmental Noise Assessment* and a *Technical Report* have been provided which has assessed the likely future noise climate on existing and future residents. Whilst these are discussed below, it is noted that noise impacts would not be unacceptable given the nature of the scheme and that noise can be suitably mitigated.

#### Amenity Space Provision

48. New developments should be providing private amenity space to all dwellings (20sqm per flat), or where this is not achievable, in the form of communal space. Given the nature of the scheme, not all units in the

upper floors will be provided with private amenity space which meets (or exceeds) the above standard, although each will be provided balcony or terrace space which exceeds the London Plan standard of 5sqm. Four ground floor affordable units (AF1 to AF4) are each provided with private gardens which range in size from approximately 40sqm to 60sqm. Communal space (c.356sqm) will also be provided in the courtyard to the rear of the proposed building. The overall provision of amenity space is considered to be acceptable.

## **Impact on Neighbour Amenity**

### Distancing / Loss of Outlook / Overlooking / Loss of Privacy

49. Along the common boundary with No.112 Walm Lane the proposed development will not project beyond the rear building line of that adjoining building, therefore not compromising the 2:1 guidance within SPD2, therefore there will be no impact on the existing amenity of those immediately adjoining occupiers in terms of loss of light and outlook. Further into the site, units with some outlook towards the north will directly look towards the boundary and towards Westly Court. With distances of approximately 16.3m from the face of the building to the boundary (14.3m from the end of balconies) and a further 20m to the rear of Westly Court, it is again considered that the proposed levels of distancing will not lead to overlooking and a loss of privacy to those occupiers. Moreover, the level of distancing proposed exceeds the recommended 9m and 18m minima contained within SPD1.
50. The relationship to the properties on the opposite side of Walm Lane has not changed from the refused scheme (25m), where this level of distancing was considered acceptable. It should be noted that since the consideration of the refused scheme, distancing standards have been reduced from 20m to 18m.

### Loss of Light / Overshadowing

51. A *Daylight and Sunlight Report* has been provided to assess the impact on neighbouring occupiers. The assessment has been undertaken in accordance with the recommendations of the Building Research Establishment ("BRE") report *Site Layout Planning for Daylight & Sunlight: a guide to good practice 2011* and the British Standard document *BS8206 Pt2*. The Report assesses the potential impact on: 112 Walm Lane; Westly Court; and 153 Dartmouth Road. Four recognised tests were undertaken: the Vertical Sky Component ("VSC") and Daylight Distribution ("DD") to assess daylight; Annual Probable Sunlight Hours ("APSH") to assess sunlight; and sun on the ground to measure sunlight on external amenity spaces.

#### *Vertical Sky Component*

52. All of the windows at 112 Walm Lane and 153 Dartmouth Road either pass or are improved. At Westly Court, four windows (x2 at ground, x2 at first floor level) fail the initial test, however this is due to a structure above those windows. BRE guidance advises that such obstructions can be removed, therefore once the test is re-run, all windows pass.

#### *Daylight Distribution*

53. Where room layouts are known (or estimated) the impact on daylighting distribution can be found by plotting what is known as the 'no sky line' in each of the main rooms. These are the same rooms as used for the VSC test. The no sky line effectively divides the points on the working plane (0.85m high for residential properties and 0.7m high for offices) that cannot see the sky. Therefore, areas beyond the no sky line will receive no direct daylight but will instead be lit from reflected light.
54. Following the construction of a new development, if the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this will be noticeable to the average occupant. All rooms within the aforementioned properties pass.

#### *Available Sunlight Hours*

55. Habitable rooms in domestic buildings that face within 90 degrees of due south are tested, as are rooms in non-domestic buildings that have a particular requirement for sunlight (there is no requirement for windows that face within 90 degrees of due north to be tested). The recommendations are that applicable windows should receive a minimum of 25 percent of the total annual probable sunshine hours, to include a minimum of 5 percent of that which is available during the winter months between 21st September to the 21st March (the approximate dates of the autumn and spring equinoxes).

56. If this is not possible (or the amount of sunlight is already reduced because of the effect of existing obstructions) then a further reduction in sunlight availability will be noticeable to an occupier if the total number of sunlight hours is below the target 25 percent of the total annual probable sunshine hours, to include a minimum of 5 percent of that which is available during the winter months, and is less than 0.8 times its former value prior to the development.
57. All of the windows at 112 Walm Lane and 153 Dartmouth Road pass. One window at Westly Court would compromise the guidance during the winter, however once the same obstruction encountered with the VSC test above is removed, all windows would pass.

### *Amenity Space*

58. BRE Guidance recommends that at least 50% of the garden should receive 2 hours of sunlight on the 21st of March (Spring equinox). Each of the tested properties is considered to have passed the test, with it being noted that the amenity space at 112 Walm Lane would improve significantly.

## **Housing**

### Tenure / Mix / Affordable Housing

59. Core Policy 2 (“Population and Housing Growth”) confirms that at least 25% of new homes will be family-sized units (3-bed or larger), and CP21 (“A Balanced Housing Stock”) confirms the need to provide an appropriate range and mix of self-contained units. Core Policy 2 also confirms that the Borough will aim to achieve the London Plan’s target of 50% affordable housing and DMP15 (“Affordable Housing”) seeks 70% of new affordable units to be social/affordable rented and 30% intermediate housing at affordability levels meeting local needs. For the scheme, this should equate to x12 family units and x24 affordable units (x17 being social/affordable and x7 intermediate tenure).
60. The application proposes 1x studio, 13x 1-bed, 22x 2-bed, 11x 3-bed, and 1x 4-bed flats. The number of family units proposed equates to approximately 25% of the total provision, thus meeting with the policy target. In terms of the affordable element, 15 units (31%) are proposed, which equates to 35% by habitable room. The tenure split on the affordable would be 9 units (60%) social/affordable rented and x6 units (40%) shared ownership, although by habitable room the tenure split would meet with the 70/30 policy position. It should be noted that in terms of the intermediate units, these will be offered at London Living Rent rates.
61. A review of the FVA has been undertaken because the offer falls short of the policy position, and this has indicated a potential surplus in the scheme. Whilst there is some disagreement over the level of the surplus, should permission be granted it is considered that this would best be captured through a late stage review to capture actual sales values, with the sum secured to be used for affordable housing (family-size units) elsewhere in the Borough. The applicant has suggested that a review could take place after the sale of 10 open market housing units but this would be contrary to Mayoral advice on review mechanisms and a late stage review would be expected because this would better capture actual sales values.

### Accessible and Adaptable Dwellings

62. The London Plan (Policy 3.8) requires that 90% of new dwellings meet with Building Regulation requirement M4(2) (accessible and adaptable) and 10% are wheelchair user dwellings (M4(3)), that is, they are designed to be wheelchair accessible or easily adaptable. This would equate to at least 5 wheelchair units. This would be secured by an appropriately worded condition.

## **Highway Safety**

Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (policy 6.12) and parking (Policy 6.13).

### Parking

63. The site lies within a controlled parking zone (CPZ) and is limited to parking within designated bays, within the short-stay Pay and Display bays or the car club bays. The proposed public house would not generate a need for off-street parking whilst the proposed 48 residential units would normally be permitted up to 41 spaces. However, given the high PTAL, it is proposed that the development is parking permit restricted, which would comply with standards. Moreover, there are no particular standards for food and drink uses, rendering the existing car park at the rear of the site superfluous to parking requirements.
64. Car-borne visitors to the public house would again be able to make use of nearby pay and display bays on Walm Lane and Station Parade, although the excellent access to public transport means the site is readily accessible to staff and customers without requiring a car. The aforementioned CPZ would prevent overspill parking by staff in residential streets.
65. For the residential units, Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. However, Walm Lane is a busy distributor road and waiting restrictions thus prevent parking during the day along the site frontage. In order to mitigate any adverse impact on parking conditions in the area, a parking permit restriction is recommended (as encouraged in Policy DMP12) to withdraw the right of future residents to on-street parking permits. This has been acknowledged by the applicant and as before, it is recommended that a condition or legal agreement is attached to any planning consent to secure this. Blue badge holders would of course remain exempt from parking restrictions and would be eligible to obtain parking permits.

#### Cycle Parking

66. The London Plan requires the provision of one secure bicycle parking space for every 1-bed flat and two spaces for larger flats, giving a total requirement of 82 spaces for residents. Three long-stay spaces are also required for the public house, taking the total requirement to 85 long-term spaces. Eighty-four cycle spaces are proposed within three shelters at the rear, which exceeds the minimum requirements and is acceptable. Short-term cycle storage will also be required and it is recommended that eight 'Sheffield' stands be provided within the landscaped area at the front of the site. Details for the proposed cycle storage have not been provided but can be reasonably secured by conditioned, and to also show the additional spaces required.

#### Servicing

67. In terms of servicing, the public house will again require deliveries of beer barrels, which typically arrive on 10m long drays. Refuse collection for the flats is also required, along with occasional removals vehicles and furniture/white goods deliveries.
68. Servicing is proposed from Walm Lane, within a proposed loading bay. There is currently insufficient space available along the site frontage for the proposed loading bay, due to the presence of a mature street tree and pedestrian refuge. However, a public realm improvement scheme has been designed for Walm Lane in the vicinity of Willesden Green station, which will replace the existing refuge with a zebra crossing, widen the footway fronting the site, raise the carriageway surface onto a long speed table and reduce the speed limit to 20mph. Adequate funding has already been secured and although works were initially programmed for the 2018-19 financial year, their start has been held up by delays in getting approval for works on the adjacent railway bridge structure and is now expected to be undertaken in the summer of 2019. The proposed widening of the footway fronting the site again potentially provides the space for a loading bay and an amended plan (Drawing No.1707-39/PL01A) for a 3.5m x 12m bay has been included with the updated Transport Statement.

#### Road Safety

69. A Road Safety Audit has been undertaken to consider the layout in more detail. This raised three concerns, relating to: (i) the inter-visibility between pedestrians using the proposed zebra crossing and approaching southbound vehicles; (ii) the demarcation between the bay and the footway; and (iii) the swept path for delivery vehicles using the bay and their ability to manoeuvre into and out of the bay without reversing.
70. Issue (ii) would be addressed through the detailed approval of paving materials as part of the S278 highway works approval process anyway, whilst further tracking has been undertaken to address issue (iii) by demonstrating that 10m rigid lorries can access and leave the lay-by in a forward gear.

71. The primary concern therefore remains issue (j) (visibility to the future zebra crossing), with the Road Safety Audit requiring that this is assessed in detail. The applicant has therefore considered this further. For a 20mph approach (as is proposed once Brent's traffic calming scheme is in place), a minimum visibility splay of 1.5m x 25m is required along the kerblines of the road. However, the applicant has incorrectly drawn the splay to a point 1m into the carriageway, rather than along the kerblines. If drawn correctly, then any vehicle in the loading bay would need to be positioned at the very back of the bay (i.e. 1m from the carriageway edge) so as not to impede visibility.
72. It is therefore important that the bay is designed in such a way as to encourage all delivery lorries to pull up as far back from the carriageway edge as possible. To this end, previous transport comments recommended that if the visibility issue persisted, then a realignment of the kerblines to provide a narrower 3m wide loading bay positioned further back towards the site (thus effectively leaving a build-out on the southern side of the zebra crossing) could be pursued as a means of addressing the concern.
73. As previously mentioned, any final design also needs to ensure that adequate footway width (at least 3m) is retained behind the loading bay and this will require a narrow part of the site frontage to be offered for adoption to accommodate the increased footway width.
74. An agreement under S38/S278 of the Highways Act 1980 will therefore be required to undertake the highway works to form the loading bay and to widen the footway, in accordance with a slightly amended design.
75. As mentioned previously, the bay is also dependent upon the public realm improvement works coming forward. As such, if there is any further significant delay to the undertaking of the public realm works by the Council, it may be necessary to extend the scope of the S278 works accordingly. In any case, the building should not come into use until the loading bay has been completed.

#### Access

76. Fire access to the rear of the development would again exceed the maximum hose distance of 45m. A strategy for fire access will therefore need to be agreed with the London Fire Service, which is likely to entail provision of a sprinkler system.
77. Pedestrian access is again proposed via a re-landscaped forecourt area, which is also proposed to be used for external seating associated with the public house. Subject to incorporating the visitor cycle parking as discussed above, this is considered acceptable.

#### Trip Generation

78. The scale of the development remains as previously proposed, therefore estimates of future residential trip generation from the site also remain unchanged (i.e. 3 arrivals/24 departures during the morning peak hour (8-9am) and 14 arrivals/4 departures during the evening peak hour (5-6pm)). Trips to and from the public house are assumed to remain essentially unchanged from the existing site.
79. As previously noted, the absence of off-street parking means that car use can be assumed to be negligible and would be lower than for the existing site with its 35-space car park. The proposal is therefore again likely to have a beneficial impact on the local highway network.
80. For public transport, the development is again estimated to give rise to 18 rail/Underground trips in the morning peak hour and 12 in the evening peak hour, whilst bus trips would total 5 trips and 3 trips respectively. With 60 buses and 50 Underground trains passing close to the site each hour, these volumes are again not considered large enough to have a noticeable impact on any particular bus or Underground service.

#### Travel Plan

81. Although the development will be car-free and does not trigger the need for a full Travel Plan under TfL's guidance, the previous Framework Travel Plan has been re-submitted. This aims to increase the share of walking and cycling trips by 5% each, at the expense of public transport trips. A Travel Plan Co-ordinator will be employed to manage the Travel Plan, which will include the provision of information on transport options through a Welcome Pack, noticeboards and promotion of online journey planning resources. Monitoring of the success of the Travel Plan is to be undertaken for five years from first occupation, in accordance with standard practice. No mention is made of nearby Car Clubs though and these should

preferably be promoted too through the provision of subsidised membership for new residents. A legal agreement is recommended to secure this for two years.

82. Whilst the Travel Plan measures are welcomed, the securing of a full Travel Plan is not considered entirely necessary, so a simple commitment to employ the measures as set out can be secured through a planning condition, without any need to undertake future monitoring.

## **Sustainable Design**

### Carbon Reduction / Energy

83. Chapter five of the London Plan sets out a comprehensive range of policies to underpin London's response to climate change and mitigation, supported by policies within the Core Strategy (CP19) and the DMP (Chapters 6 & 7). The commercial element will be expected to achieve a BREEAM "Excellent" rating and the residential element, being a major development, should be achieving carbon emissions reduction targets leading to zero carbon, with any shortfall to be off-set through a financial contribution to the Council's Carbon Offsetting Fund.
84. The submitted Energy and Sustainability Statement outlines the approach to carbon emission savings and renewable energy. The proposed design approach is to minimise energy consumption through passive design, fabric performance and energy efficiency measures. Consideration has been given to the passive design of the scheme, including the orientation and layout of the building and units, glazing, lighting to be used, and stacking of balconies for shading.
85. The Statement confirms that the residential element should achieve a 36.3% saving, thus exceeding the minimum on site 35% reduction required. However, in accordance with the London Plan (policy 5.2E *Minimising carbon dioxide emissions*) the remaining regulated carbon dioxide emissions, to 100%, are required to be off-set through a cash in lieu contribution (£67,050) to secure delivery of carbon dioxide savings elsewhere. Whilst the Statement discusses this policy position, it does not confirm that the payment would be made, which would be contrary to the aforementioned policy. Such a payment could only be secured through a S106 Agreement while the targeted reduction can be conditioned.
86. With regard to the commercial element, the applicant has not submitted a BREEAM pre-assessment and has again commented that as this element is less than 1000sqm, "BREEAM is not relevant". A rating of "Excellent" is normally sought for non-residential development however the applicants' report states that due to the fact that the area of non-residential development proposed would be considerably below the threshold (1,000sqm) that BREEAM is not relevant. This reflects the approach taken by the council and is considered to be acceptable.
87. In terms of renewable or low-carbon energy sources, the Statement confirms the feasibility of providing a 10.5kWp PV array on the rear block, with Drawing No. 4747/PA/306 B indicating an array of 53 panels on the roof. Details of the panels together with a maintenance plan, will need to be secured through an appropriately worded condition. Whilst the Statement advises that a communal heating system is not preferred, with individual units being provided with their own boilers, further consideration of this has resulted in an amendment to the submitted plans which now show additional space created within the basement level for the necessary plant to provide a communal heating system. Ducts would vent to the roof and importantly, would not be visible as they would sit behind a small parapet. This strategy is supported.

### Flood Risk/Drainage/Water Consumption

88. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively while Policies DMP9A and 9B confirms the Councils approach. The site falls within the Flood Zone 1, with the risk of fluvial and surface water flooding considered to be low.
89. The *Foul and Surface Water Strategy* advises that the sustainable drainage hierarchy has been considered but due to site constraints, the drainage strategy will be limited to permeable paving with a geo-cellular attenuation tank located at the front of the site to limit flow into the public sewer to a rate of 25.7l/s. This would be a significant improvement on the existing un-attenuated flow. A condition will be imposed to secure the proposed SuDS measures.

90. In order to minimise any impact on water supply, and as acknowledged within the *Energy and Sustainability Statement*, major developments should be limiting consumption to a target of 105 litres or less per person, per day, although it advises that the indicative specification is 100 litres per person per day. An improvement on the minimum requirement is welcomed and a condition could be reasonably imposed to seek the details of such measures.

## Ecology and Biodiversity

### *Bats*

91. Policy 7.19 of the London Plan (“Biodiversity and access to nature”) requires development proposals to make a positive contribution, where possible, to the protection, enhancement, creation and management of biodiversity. Core Policy 18 of the Core Strategy (“Protection and Enhancement of Open Space, Sports and Biodiversity”) confirms the Borough’s commitment to promote and enhance biodiversity. The proposal involves the demolition of the existing building and the removal of some trees, therefore in support of the application, a *Preliminary Bat Roost Assessment* together with a *Preliminary Ecological Appraisal* has been submitted.
92. The *Roost Assessment* advises that it was not possible to fully inspect all features on the building due to their height and location. In addition, a full inspection of the roof was not possible due to access constraints onto the roof itself. However, no evidence of roosting bats were recorded in areas that could be inspected. The internal assessment of the building identified the presence of features considered to provide potential access points into the buildings or suitable roosting locations within voids. Features identified included crevices beneath clay tiles and exposed beams. No evidence of bats were recorded within the two accessible voids or the internal areas of the flat. However, it was not possible to inspect the remainder of the building internals, including any potential voids beneath the three-storey pitched and hipped roofed segments. As such, the bat roosting status of the building could not be confirmed. Due to the features presented above and having regard to the surrounding habitat, it is considered that 110 Walm Lane has a high potential for roosting bats. It is therefore recommended that emergence/re-entry surveys be undertaken to determine the absence/presence of bats within the building. If a roost is discovered, a licence will have to be applied for from Natural England. The peak season for such surveys is between May and August.
93. In relation to trees, it has been advised that the majority of trees are not mature enough to contain features suitable for roosting bats. The mature Ash tree in the north-east corner of the site did not have any suitable features. The findings of the *Roost Assessment* are only valid for 12 months from the survey date (11/01/2018), therefore if works have not commenced on site within this timeframe, a further survey is required to ascertain whether the trees have developed features that could be used by roosting bats in the interim.

### *Biodiversity*

94. The adjacent railway line is designated as a wildlife corridor and a Site of Importance for Nature Conservation (grade I), and as such, a Preliminary Ecological Appraisal recommends that a Construction Ecological Management Plan (CEMP) should be compiled for the site. In addition to this, it is recommended that biodiversity enhancement measures should be incorporated into any landscaping plans; that excavations should not be left overnight; that vegetation clearance should be undertaken outside nesting bird season; and that works should not cause snowberry and butterfly-bush to spread. A condition should be imposed to secure the recommendations as part of the CEMP, inclusive of a landscaping strategy.

### *Trees*

95. The submitted *Arboricultural Survey & Impact Assessment* confirms the presence of thirteen trees within (x10) or immediately adjacent (x3) to the site that could be impacted by the proposed development. Four trees are considered to be Category ‘B’ trees, meaning that they are of a moderate quality with an expected life expectancy of at least 20 years, with the remaining trees given a Category ‘C’ classification meaning that they are of low quality with a life expectancy of less than 10 years. Trees of particular note (Category ‘B’) are: ‘T3’, a 14m tall Ash tree located in the north east corner of the site covered by a Tree Protection Order; an 11m tall Oak tree (‘T8’) located on the adjoining railway land; and a 10m tall London Plane tree located on the public footway at the front of the site. The remaining Category tree (‘T9’), a 12m tall Ash tree is located near to T8 but within the site, will be removed as part of the development proposal as it is impacting upon the Oak tree, however replacement planting is advocated. The tree protection

measures proposed would be secured by condition. The landscaping strategy is set out in Appendix D of the *Arboricultural Survey* and would also be secured by condition, should permission be granted.

### Contamination

96. Policy 5.21 of the London Plan (“Contaminated Land”) encourages the recycling of brownfield sites, inclusive of those affected by contamination, through remediation. Having regard to the historic uses of the site as a former “textile and dye” works and railway land, potential contaminants remain. To ensure that there is no risk to human health, conditions could be imposed to require a site investigation to be undertaken, remediation, and verification.
97. Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant will be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. An Informative could be attached to any permission to remind the applicant of this.

### Air Quality

98. Policy 7.14 of the London Plan requires boroughs to seek reductions in the level of air pollutants, with developments being ‘air quality neutral’. The site falls within an Air Quality Management Area and as such, an Air Quality Assessment has been submitted in support of the application. The methodology employed is considered to be sound.
99. An air quality assessment has been carried out using the ADMS-Roads dispersion model to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean NO<sub>2</sub> concentrations are below the objective in the baseline and future year development scenario. Concentrations of particulate matter (PM<sub>10</sub>) are also predicted to be below the annual mean objective in the baseline and future year development scenario. Based on the evidence it is also estimated that there will be no exceedances of either short term objective for NO<sub>2</sub> or PM<sub>10</sub>. Therefore, no mitigation is required as the air quality objectives are predicted to be met. The Report therefore recommends that instead, other measures such as providing secure and covered cycle storage, as has already been integrated into the development plans, should be considered to reduce the emissions arising from the development. In accordance with comments received from Environmental Health, conditions to secure the details of domestic boilers, a Construction Method Statement, details of Non Road Mobile Machinery could be reasonably attached to any permission.

### Noise

100. Road and rail noise are identified as the main sources of external noise, which the submitted *Environmental Noise Assessment* addresses. In relation to noise impact from the public house on the proposed residents, a further *Technical Note* has been provided. The *Noise Assessment* confirms that subject to sufficient noise mitigation, there will not be unacceptable harm on the internal environment from road and rail sources.
101. The *Technical Note*, which was requested because objectors considered that it would be inappropriate to have residential above a public house because of noise, confirms that this is not an uncommon scenario and the requirements set out within *Approved Document E* are a legal requirement to be achieved and verified through testing. Conditions would be imposed on any approval to secure the recommendations of the *Noise Assessment*.

### Site Waste Management

102. Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London’s waste within London by 2026, creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2026. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition (“CE&D”) waste of 95% by 2020. In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans to arrange for the efficient handling of CE&D.
103. The development proposal involves the demolition of the existing building and substantial

excavations to help facilitate the proposed building. The *Energy and Sustainability Statement* advises that “the demolition protocol could be followed where applicable to ensure that all arisings are suitably recycled”. Waste will not only be produced from excavation, but from demolition and construction. To ensure that all waste arising from demolition and construction is dealt with appropriately, a construction site waste management plan could be secured by condition.

## Conclusions

104. The proposed development has addressed some of the issues identified with the scheme currently at Appeal: Internally, the standard of accommodation of individual units is improved with more regular shaped rooms proposed and units meeting with the Technical Standards; and outlook and amenity space provision is also considered acceptable. No issues are again raised in relation to neighbour impact.
105. Notwithstanding the above, the overall design is still considered to be an issue, and one which would continue to have an unacceptable impact on the character and appearance of the Mapesbury Conservation Area, neither preserving or enhancing this heritage asset. In addition, the appearance of the public house element, whilst an improvement on the refused scheme does not provide the necessary distinction to properly announce its use and function, separate from the residential element.
106. The affordable housing offer of 35 % does not meet the 50 % target set out in current Council’s adopted policy and there remains some disagreement in relation to some of the variables and the associated potential surplus generated by the scheme. However, it is considered that this can be resolved through a post implementation review which would use actual sales values and build costs as opposed to hypothetical values should permission be granted. Any money received would contribute towards much needed affordable housing elsewhere in the Borough. It is also noted that the current offer by the applicant of 35% affordable by habitable room would comply with the draft London Plan and with emerging local policy.

## CIL DETAILS

This application is liable to pay **£1,181,456.64** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 1217.44 sq. m.

Total amount of floorspace on completion (G): 4800.76 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Drinking establishments (2004)	493.34		368.23	£40.00	£0.00	£21,567.89	£0.00
(Brent) Dwelling houses	4307.42		3215.09	£200.00	£0.00	£941,561.39	£0.00
(Mayoral) Drinking establishments (2004)	493.34		368.23	£0.00	£60.00	£0.00	£22,435.95
(Mayoral) Dwelling houses	4307.42		3215.09	£0.00	£60.00	£0.00	£195,891.41

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	328	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£963,129.28</b>	<b>£218,327.36</b>

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

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

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

# DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### DECISION NOTICE – REFUSAL

Application No: 18/4675

To: Mr Raistrick  
Centro Planning Consultancy  
55 St John Street  
London  
EC1M 4AN

I refer to your application dated **07/12/2018** proposing the following:

Replacement of existing building (containing public house and former members club) with a mixed use development within a part 4 and 5 storey building comprising public house and function room on ground floor (Use Class A4), 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed), green roof and photovoltaics panels, bicycle and refuse storage, amenity space and landscaping (SCHEME A)(Amended Plans - Key changes to public house facade and internal layout)

and accompanied by plans or documents listed here:

4704/PA/001	Site Location Plan
4704/PA/002	Site Photos
4704/PA/010	Existing Site Plan
4704/PA/011	Existing Floor Plan
4704/PA/015	Existing Elevations 1
4704/PA/016	Existing Elevations 2
4704/PA/200B	Proposed Site & Ground Floor Plan
4704/PA/201B	Proposed First Floor Plan
4704/PA/202B	Proposed Second Floor Plan
4704/PA/203B	Proposed Third Floor Plan
4704/PA/204B	Proposed Fourth Floor Plan
4704/PA/205B	Proposed Fifth Floor Plan
4704/PA/206C	Proposed Roof Plan
4704/PA/207C	Proposed Basement Floor Plan
4704/PA/210C	Proposed Floor Plans
4704/PA/220A	Proposed Walm Lane Elevation
4704/PA/221A	Proposed South Elevation
4704/PA/222A	North Elevation C-C
4704/PA/223A	East Elevation D-D
4704/PA/225A	Walm Lane Street Elevation
4704/PA/230A	Proposed Sections
4704/PA/231	Proposed Sections
4704/PA/400	Material Palette
4704/PA/401	Local Precedents and Materiality
4704/PA/410B	Proposed Site & Ground Floor Plan
4704/PA/411	Elevation - Pub Study
4704/PA/501	CGI Views - 1
4704/PA/502	CGI Views - 2
4704/PA/503	CGI Views - 3 Summer
4704/PA/504	CGI Views - 3 Winter
4704/PA/505A	CGI Views - 4
4704/PA/511	CGI Views - 1 (Amended Roof)
4704/PA/512	CGI Views - 2 (Amended Roof)
4704/PA/513	CGI Views - 3 (Amended Roof) Summer

4704/PA/514 CGI Views - 3 (Amended Roof) Winter  
4704/PA/515 CGI Views - 4 (Amended Roof)  
Air Quality Assessment (January 2018)  
Arboricultural Survey & Impact Assessment (December 2018)  
Daylight/Sunlight Report (December 2018)  
Design & Access Statement (V2) (April 2019)  
Energy and Sustainability Assessment (December 2018)  
Environmental Noise Assessment (November 2018)  
Financial Viability Appraisal (March 2019)  
Foul and Surface Water Drainage Strategy (December 2018)  
Heritage Impact Assessment (November 2018)  
Planning Statement (December 2018)  
Preliminary Bat Roost Assessment (January 2018)  
Preliminary Ecological Appraisal (January 2018)  
Pub Ceiling Height (Email 03 June 2019)  
Statement of Community Involvement (November 2018)  
Technical Note Insulation (April 2019)  
Transport Statement (December 2018)

at **110 Walm Lane, London, NW2 4RS**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **REFUSE** permission for the reasons set out on the attached Schedule B.

Date: 11/06/2019

Signature:



**Alice Lester**

Head of Planning, Transport and Licensing

**Note**

Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

DnStdR

## PROACTIVE WORKING STATEMENT

## REASONS

- 1 The proposed development, by reason of its massing and poorly designed front elevation, would appear unduly prominent and out of character in the street scene and in the wider locality. The development would fail to preserve or enhance the character or appearance of the Mapesbury Conservation Area. As a result, the proposal fails to comply with Policies 3.4, 3.5, 7.4, 7.6 and 7.8 of the London Plan; policy CP17 of the Core Strategy, Policies DMP1 and DMP7 of the Development Management Policies; National Planning Policy Framework 2018.
- 2 The proposal would fail to provide the maximum reasonable amount of affordable housing which would be contrary to Policy 3.12 of the London Plan, Policies H5 and H6 of the draft London Plan, Policy CP2 of the Core Strategy, Policy DMP15 of the Development Management Policies.
- 3 In the absence of a legal agreement to control the matter the proposal would result in additional carbon dioxide emissions within the borough in an Air Quality Management Area, without any contribution to carbon reduction measures in the area. The proposal would also fail to demonstrate that a BREEAM rating of at least 'Very Good' could be achieved. As a result, the proposal would be contrary to Policies 5.2, 5.3 and 7.14 of the London Plan, Policy CP19 of the Core Strategy, Policy DMP1 of the Development Management Policies.
- 4 In the absence of a legal agreement to control the matter, the development would result in additional pressure on servicing, parking demand and transport infrastructure to the detriment of the free and safe flow of traffic and pedestrians which would be contrary to Policies DMP1 and DMP12 of the Development Management Policies

Any person wishing to inspect the above papers should contact Sean Newton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5166