



Planning Committee

Wednesday 12 September 2018 at 6.00 pm

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

Membership:

Members

Councillors:

Denselow (Chair)
Johnson (Vice-Chair)
Chappell
Colacicco
Hylton
Lo
Maurice
Sangani

Substitute Members

Councillors:

Abdi, Ahmed, S Butt, Dar, Ethapemi, Kabir,
W Mitchell Murray and Patterson

Councillors

Colwill and Kansagra

For further information contact: Joe Kwateng, Governance Officer
joe.kwateng@brent.gov.uk; 020 8937 1354

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.00pm in Boardroom 2

Please note this meeting will be recorded/filmed for live broadcast on the Council's website. By entering the meeting room you will be deemed to have consented to the possibility of being filmed and to the possible use of those images and sound recordings for webcasting.

Notes for Members - Declarations of Interest:

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

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

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting - 15 August 2018		1 - 10
APPLICATIONS FOR DECISION		
3. Zone C, Olympic Way & Perimeter Way, Wembley, HA9	Tokington	15 - 36
4. 67 Medway Gardens HA0 2RJ (Ref. 18/1597)	Sudbury	37 - 52
5. Willesden Green Garage, St Pauls Avenue, NW2 5TG (Ref. 17/5291)	Willesden Green	53 - 86
6. 57 Cricklewood Broadway, London NW2 (Ref. 17/5292)	Mapesbury	87 - 104
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 10 October 2018



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 15 August 2018 at 6.00 pm

PRESENT: Councillors Denselow (Chair), Johnson (Vice-Chair), Colacicco, Chappell, Lo and Maurice.

Apologies for absence were received from Councillors Hylton and Sangani.

1. **Declarations of interests**

None.

Approaches.

All Units at Afrex House, Beresford Avenue, Wembley, HA0 1NX (Ref.18/0752)
All members received a briefing paper from the applicant's agent.

2. **Minutes of the previous meeting - 18 July 2018**

RESOLVED:-

that the minutes of the previous meeting held on 18 July 2018 be approved as an accurate record of the meeting.

3. **Transputec House, 19 Heather Park Drive, Wembley, HA0 1SS (Ref. 18/0284)**

PROPOSAL: Demolition of office building and erection of 2 five storey residential blocks comprising 36 self-contained flats with provision for cycle and refuse storage (14 x 1 bed, 14 x 2 bed and 8 x 3 bed), lower ground floor car parking, associated amenity space, landscaping and installation of new vehicular access

RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement (Heads of Terms as set out within the report), any other planning obligations considered necessary by the Head of Planning and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Human Resources.

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

That the Head of Planning is delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions,

informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

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

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

Victoria McDonagh (Area Team Leader) introduced the report and answered members' questions. With reference to the supplementary report, she responded to members' queries about the operation of the car stacker system. Officers were satisfied with the headroom of 2.4m and the use of an automated rising gate system, although further details of this would be required as part of the condition requiring details of the stacker system. Members were advised that adequate car parking would be provided even if the car stacker system was replaced with standard parking spaces in the location shown, and the proposal would not be likely to have an adverse impact on the highway network and as Heather Park Drive was not a heavily parked street, any marginal parking overspill can be accommodated

DECISION: Granted planning permission as recommended.
(Voting on the recommendation was as follows: For 6; Against 0; Abstention 0).

**4. All Units at Afrex House, Beresford Avenue, Wembley, HA0 1NX
(Ref.18/0752)**

PROPOSAL: Demolition of existing buildings at Afrex House, and redevelopment to provide a residential development of 3-5 storeys for 31 residential units (9 x 1bed, 18 x 2 bed, 4 x 3 bed), creation of public realm and alterations, landscaped amenity space, car and cycle parking and all associated works.

RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement (Heads of Terms as set out within the report), any other planning obligations considered necessary by the Head of Planning and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Human Resources.

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

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

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

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

Victoria McDonagh (Area Team Leader) introduced the report and answered members' questions. With reference to the supplementary report, she drew members' attention to minor amendments to submitted elevations and the updated Design and Access Statement to reflect the changes within the floor plans. These were not considered material as to warrant public re-consultation. Ms McDonagh recommended amendment to condition 2 to reflect the changes.

Mrs Shah (objector) speaking on behalf of the owner of Kuntals (adjoining business premises) raised concerns including; the extension of the application site boundary beyond the right of way area; the impact of the development on their party wall rights with structural implications and encroachment due to its height. Mrs Shah continued that with increased vehicular movements, the use of the shared space as a car park would affect their deliveries of 40 foot containers.

Mr Ben Johnson (applicant's agent) stated that the scheme which would deliver high quality design homes (16% affordable housing) in compliance with the policies and regeneration aspirations of the Borough. In addition, the applicant proposed significant public realm improvements. He clarified that the applicant would not build on the area subject to a right of way. He specified that he was not privy to discussions with the objector on party wall issues, but confirmed that the all relevant legislation would be complied with.

In responding to issues raised, Ms McDonagh explained that Highways and Transportation concluded that with 1% overall increase in vehicular movements, 14 car parking spaces and a contribution towards CPZ via Section 106 legal agreement, the proposal would not give rise to highways issues. She clarified that as industrial units, there was no requirement for daylight and sunlight assessment to be carried out for the proposal and in terms of townscape, a 5 storey building was considered acceptable. Members were advised that the financial viability assessment concluded that 5 affordable homes at affordable rent, enhanced with £40,000 contribution towards affordable workspace, was reasonable.

DECISION: Granted planning permission as recommended with minor changes to condition 2 as set out in the supplementary report, and completion of satisfactory Section 106 Agreement.

(Voting on the recommendation was as follows: For 6; Against 0; Abstention 0).

5. 1-7, 9, 11 & 11A Elm Road, Wembley, HA9 7JA (Ref. 18/1592)

PROPOSAL: Demolition of existing hotel buildings and erection of a part 3, part 4 and part 5 storey 226 bed aparthotel plus basement accommodation comprising guestrooms and ancillary facilities within a 5-storey basement (situated below the part-basement lower ground floor), together with soft and hard landscaping, servicing, cycle storage and refuse and recycling facilities

RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement (Heads of Terms as set out within the report), any other planning obligations considered necessary by the Head of Planning and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Human Resources.

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

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

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

Ms. Victoria McDonagh (Area Team Leader) introduced the report and answered members' questions. Members noted that the key difference between the current proposal and that which was previously granted consent was an increase of 98 rooms from 128 to 226, much of which had been achieved through a loss of the ancillary parts of the hotel. She continued that the restaurant, gym and leisure centre was no longer proposed within the revised development and that the resulting double height had been subdivided to create two normal height basement levels of the aparthotel accommodation. As such condition 4 was no longer required. She referenced the supplementary report and drew Members' attention to; letters of support received since the publication of the committee report, mainly from local businesses and the review of external lighting strategy and landscaping

plans. In light of the reviews, she recommended amendments to conditions 19 and 20 respectively.

Messrs Richard Quelch and Herbert Lui (applicant's agent and architect, respectively) addressed the Committee. Members heard that the proposal would provide an opportunity to increase the number of hotel rooms within the envelope of the scheme and enhance tourism in the Borough.

During the ensuing discussion, members invited the officer to clarify issues relating to natural lighting below ground level, consultation with and responses from Thames Water Authority and Highways. Ms McDonagh stated that as well as lightwells from the frontage, the provision of central courtyard to the basement would allow natural lighting to the basement. She however added that condition 20 would be strengthened although as a non-residential building, there was no requirement for outlook to be provided. Thames Water Authority had no comment other than piling which has been conditioned. She clarified that although coach parking was not a material planning consideration as the application was for an apart hotel, coach management plan in place would ensure there would be enough room to accommodate a coach if necessary.

DECISION: Granted planning permission as recommended subject to the removal of recommended condition 4 and revisions to conditions 19 and 20 as set out in the supplementary report.

(Voting on the recommendation was as follows: For 6; Against 0; Abstention 0).

6. Olympic Way and land between Fulton Road and South Way incl. Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp. Stadium Retail Park, land opp. Wembley Hilton, land opp. London Design Outlet (Ref. 18/2214)

PROPOSAL: Minor Material Amendment to vary parameter plans 04-12 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 17/0328 (dated 26 May 2017) which granted minor material amendments to hybrid planning permission reference 15/5550 which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development).

The minor material changes sought comprise an increase in the width of the previously approved north-south route between NW09 and NW10/NW11 and its relocation 30 metres further to the east in between NW09/NW10 and NW11, alterations to the block forms of NW09/NW10 and NW11 with an increase in height of elements of blocks NW09/10 and NW11 as a result of the updated layout, changes to car parking arrangements, introduction of bridge link connecting the landscaped gardens of NW09/10 and NW11 and other associated alterations.

RECOMMENDATION: Grant permission for the proposed minor material amendments through a variation of conditions 4, 5, 15, 16 and 25 of Hybrid Planning Consent reference 17/0328 pursuant to Section 73 of the Town and Country Planning Act 1990, as amended.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report and which were associated with the previous consent.

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

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

That this permission, if granted, would also be bound by the Section 106 legal agreement associated with the Hybrid Consent

Ms Victoria McDonagh (Area Team Manager) introduced the report and answered members' questions. She drew Members' attention to the proposed changes to the consented development as set out in the report and explained that whilst they were material, they did not amount to a fundamental alteration to that granted outline planning permission.

Mr Brett Harbutt (applicant's agent) stated that the consent was previously approved as part of the Wembley Masterplan. He reiterated the changes and added that the primary aim was to realign the two halves of the plot and improve the quality of the central space within Plot NW09-11 so as to reinforce important elements of local townscape.

Mr David Glover (Development Management Manager) outlined the benefits associated with the proposed realignment adding that the scheme, including its height, would blend in with the character of the area. He continued that although the scheme would marginally obscure Wembley Stadium Arch, it was considered acceptable. Mr Oliver Block (legal adviser to the Committee) clarified that as a Section 73 application, the current application would not technically amend the original consent but rather resulted in the issue of a new consent for the varied development. There then ensued a discussion which revolved around the cycle lane and views, in particular the view to Wembley Stadium Arch.

Officers clarified that the cycle lane would run along Olympic Way through the Boulevard to the White Horse Bridge. It was added that the level of impact on the Wembley Stadium Arch would not be significantly greater.

DECISION: Grant planning permission as recommended.
(Voting on the recommendation was as follows: For 4; Against 1, Abstention 1).

7. 1A Dyne Road, London, NW6 7XG (Ref. 17/2068)

PROPOSAL: Conversion of the existing music school to 21 self-contained flats (5 x 3 bed, 11 x 2 bed and 5 x 1 bed) (Use class C3); including additional floor at roof level; four storey side extension; associated external alterations, plant room and provision for cycle parking and bin stores

RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement (Heads of Terms as set out within the report), any other planning obligations considered necessary by the Head of Planning and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Human Resources.

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

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

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

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

Damian Manhertz (Area Planning Manager) introduced the report and in reference to the supplementary report, drew Members' attention to some points of clarification and corrections. Members noted that the development would not offer affordable housing, due to the financial viability of the scheme. However, to ensure that the development would deliver the maximum amount of affordable housing if the viability situation changed, the applicant had agreed to enter into a post completion review of scheme viability, secured through the s106 legal agreement.

Mr Ron Athwal (on behalf of the applicant's agent) informed the Committee that the application had been redesigned to ensure compliance with guidance and policies. He added that the envelope of the building did not warrant its demolition.

DECISION: Granted planning permission as recommended
(Voting on the recommendation was as follows: For 5; Against 1; Abstention 0)

8. Thanet Lodge, Mapesbury Road, London, NW2 4JA (Ref. 18/0236)

PROPOSAL: Erection of a 3 storey 6-bedroom dwellinghouse plus basement level and lightwells to the north of Thanet Lodge including pedestrian access from Mapesbury Road.

RECOMMENDATION: To GRANT planning permission and delegated authority to the Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out within the report.

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

Damian Manhertz (Area Team Leader) introduced the report and answered members' questions. It was noted from the supplementary report that an additional drawing had been received (to amend condition 2) which showed the full front elevation although no changes were proposed to the development. He continued that the scheme sought to preserve and enhance Mapesbury Conservation Area.

DECISION: Granted planning permission as recommended.
(Voting on the recommendation was as follows: For 5; Against 0; Abstention 1)

9. 74 Park Parade, London, NW10 4JB (Ref.18/1636)

PROPOSAL: Conversion of a vacant commercial unit into 2 No. residential flats (2 x 2 bed) with associated internal alterations; new front flat doors, external fence and winter garden,

RECOMMENDATION: To grant planning permission and delegated authority to the Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out within the report

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

Mr Damian Manhertz (Area Team Leader) introduced the report, set out the key planning issues and answered members' questions. He added that the quality of accommodation of the proposed units with multi aspect was considered acceptable.

Ms Jannie Kalb (objector) raised concerns on grounds of lack of privacy, obstruction to light due to the site's proximity to the Electricity Sub Station, visual impact on the streetscene and inadequate residential amenity. She continued that air quality assessment had not been carried out for the proposed development situated in an area with high levels of pollution and concluded that the proposed use of the site for residential purposes would be inappropriate.

In addressing the concerns raised by the objector, Mr Manhertz explained that the site was surrounded by residential properties including many ground floor residential units adjacent to the street. He considered that the loss of a vacant retail unit, which was outside of the designated Harlesden District Centre boundary, would not result in adverse impact on the vitality and viability of the Harlesden District Centre. He clarified that there was no requirement for air quality assessment to be carried out for the proposed development.

DECISION: Granted planning permission as recommended.
(Voting on the recommendation was as follows: For 6; Against 0; Abstention 0).

10. Any Other Urgent Business

None.

The meeting closed at 7.40 pm

COUNCILLOR J. DENSELOW
Chair

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APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

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

Provision of infrastructure

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 September, 2018
03
18/0973

SITE INFORMATION

RECEIVED	13 March, 2018
WARD	Tokyngham
PLANNING AREA	
LOCATION	Zone C, Olympic Way & Perimeter Way, Wembley, HA9
PROPOSAL	Full planning permission for the demolition of the existing 'Pedway' ramp structure to the front of Wembley Stadium and the construction of a set of steps (with associated lighting) to connect ground level to Wembley Stadium Landing Level (concourse); and use of the void created beneath the proposed steps as secure storage for estate maintenance equipment; the reconfiguration of an existing unadopted estate road (Perimeter Way) to create two new roads either side of the steps connecting to Engineers Way; the use of land beneath the steps bridge as temporary event space; a revised vehicular access to Plot W03 immediately west of the application site and public realm works comprising the installation of hard landscaping, street trees, lighting columns that can incorporate advertising banners, street furniture, underground water attenuation measures, services, tree pits and other associated works.
PLAN NO'S	Please see condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_138996</p> <p><u>When viewing this as a Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search typing "18/0973" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

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

Conditions

1. Time Limit
2. Approved Plans
3. Provision of accessible lifts prior to demolition of Pedway
4. Materials
5. External lighting
6. Landscaping
7. Compliance with Site Management Plan
8. Piling Phasing and Logistics Plan
9. Wayfinding Strategy
10. Non-Road Mobile Machinery to comply with emission standards
11. Method Statement for reduction of vehicle emissions
12. Highways related drawings to be submitted for approval
13. Study into siting of pedestrian crossing(s)
14. Construction Phasing and Logistics Plan
15. Framework Stadium Event Day Travel and Highways Management Plan
16. Operational Management Plan for new steps


Informatives

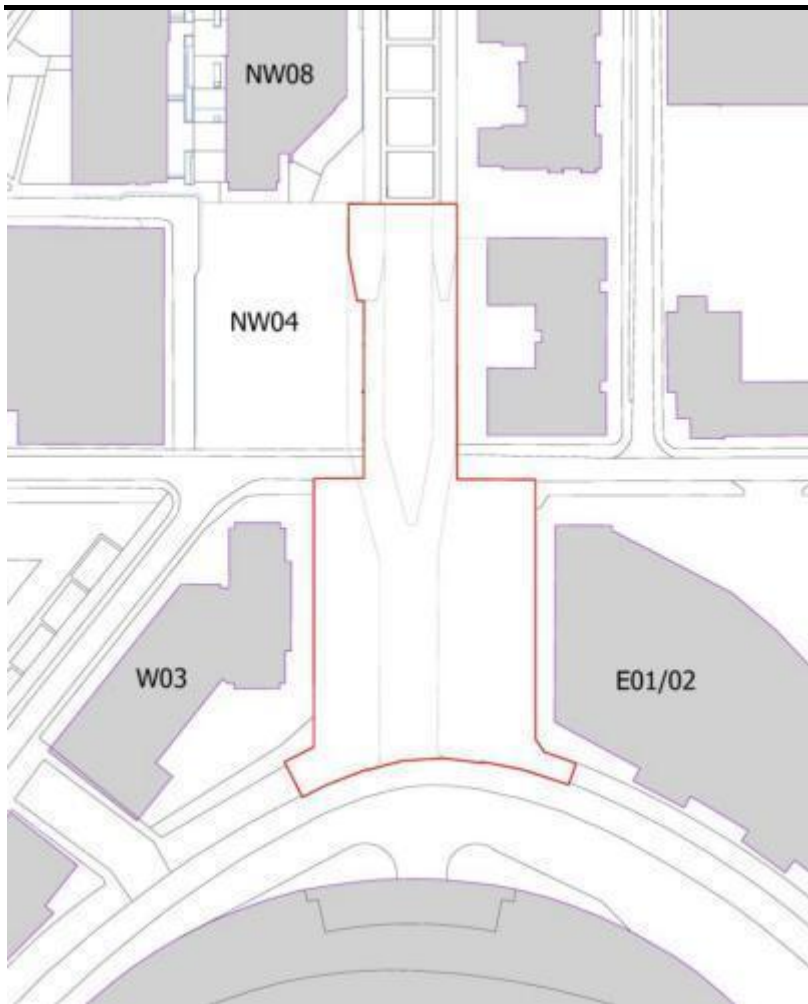
1. Compliance with 'Green Guide' and relevant legislation
2. CIL liability
3. Cleansing of construction vehicles leaving site
4. London Living Wage
5. Any other informatives considered necessary by the Head of Planning

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

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

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: Zone C, Olympic Way & Perimeter Way, Wembley, HA9</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

The application seeks to remove the existing Pedway structure to the stadium and replace it with new steps and to enhance the southern section of Olympic Way. The proposals include:

- Removal of the existing Pedway structure;
- Installation of new steps
- Storage area beneath the steps
- Use of land beneath the steps as temporary event space
- Change to Perimeter Way from a single priority junction with Engineers Way to two priority junctions with Engineers Way, one either side of the Olympic Steps
- Revised vehicular access to Plot W03
- New paving
- New lighting columns which can incorporate advertising banners
- Realignment of the road to achieve an improved cross fall
- Introduction of new trees;
- Flood attenuation measures below ground along with the co-ordination of utilities
- New benches
- Identification of locations for future wayfinding signage;
- Retention of CCTV
- Water and electric points for markets

EXISTING

Zone C comprises the 195m stretch of Olympic Way from the northernmost edge of the Stadium to the southern boundary of Olympic Way Zone A (under construction) marked by the far end of the Pedway. The site is approximately 70m wide at the southern end, and 30m wide at the northern end.

The edge of the Stadium and the convergence of Perimeter Way West and Perimeter Way East form the southern boundary of Zone C. The site also straddles Engineer's Way and takes in the land beneath the Pedway. The Pedway ramp slopes downwards from the Stadium at a gradient of 1 in 30 as far as Engineer's Way, from whence it reduces to an average gradient.

Development plots E01/E02 and W03 are located east and west of the application site as it abuts the Stadium. These plots are currently under construction and the works proposed in this application are coordinated to connect with these adjacent plots.

SUMMARY OF KEY ISSUES

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

Representations Received: 5 Objections and 1 comment of support was received from the owners/occupiers of neighbouring properties in response to the consultation.

Principle of Development: The Olympic Steps are proposed to replace the existing concrete Pedway and take stadium visitors from Engineers Way up to Wembley Stadium Landing Level (B1). The steps would maintain existing capacity flows of the Pedway and create an improvement of the built form around the Stadium in line with the Wembley Park Masterplan. The lighting columns and associated advertisement banners reflect existing columns present at Olympic Way Zones A and B.

Proposed Uses: The removal of the Pedway will allow for steps to be the main access into Wembley Stadium, allowing for legible access for all. Advertisement banners will be mounted to lighting columns along Olympic Way. Beneath the steps a public space undercroft has been provided with associated storage, electricity and accessible water points, this would also facilitate use for events and activities.

Scale, Layout and Appearance: The scale and layout of the proposed scheme is considered to be

acceptable within the context of the surrounding area which comprises relatively tall buildings in a dense urban context. It is considered that the removal of the pedway would improve permeability through the Wembley Park estate. The proposed steps work successfully in providing a design which responds well to its context. The illustrative images indicate a development which is considered to be acceptable in design terms and in keeping with the surrounding area with the proposed removal of the Pedway and provision of steps resulting in a significant improvement of the public realm.

Highways: The impacts on the road network following the removal of the Pedway have been reviewed and whilst it is noted there will be an impact, these impacts would be mitigated and managed.

RELEVANT SITE HISTORY

The redeveloped Stadium forms part of the comprehensive regeneration of the site, granted planning permission via a number of outline and full consents, varied by subsequent amendment applications, over time.

CONSULTATIONS

The application was advertised in the press on 22nd March 2018 and site notices were installed outside the application site on 19th March 2018.

374 consultation letters were sent to adjoining and nearby owners and occupiers of the development on 23rd March 2018.

One comment of support was received from a local resident who notes “the pedway acts like a barrier, visually separating the ‘halves’ of the Wembley Park estate.

5 Objections were received from local residents, citing the following issues:

Objections	Response
Loss of disabled access	The Pedway has a 19m overall change in height and due to the existing gradient does not comply with access standards for disabled visitors to the stadium. Please see below where the access is discussed in further detail. (para No. 35)
Overdevelopment in the area	The Wembley Masterplan has been approved under 15/5550, the removal of the Pedway would allow for the delivery of NW04 which has already had parameter plans approved. The demolition of the pedway would increase legibility throughout the area and streamline the bulk of concrete, streamlining the access to Wembley Stadium by way of the proposed Olympic Steps. It will not add to the quantum of development already planned for.
Concerns of safe egress from the stadium	The steps have been designed to meet relevant safety standards with additional lighting and corduroy hazard warning surfaces to provide warning that changes in ground level will be present.
Loss of iconic infrastructure	The potential removal of the Pedway was included within the Wembley Area Action Plan (WAAP), policy and the potential removal was approved as an option under the Masterplan. The Pedway is not considered to contribute to the visual aesthetic of the area or be an iconic piece of infrastructure.
Slow egress times	Increased signage will inform visitors and site-wide WiFi will enable wayfinding apps to operate to ensure there is more clarity for spectators to achieve a faster rate at which spectators can depart. The rate at which people

	can depart from Wembley Park Station has the largest impact on egress times.
Concerns for measures in place for mass evacuation	Safe evacuation from the Stadium will continue to be possible if the steps are delivered. In addition to this there are currently 4 operational lifts in the event of a mass evacuation from the stadium, as such the evacuation measures remain the same.

Internal

Environmental Health

Recommended conditions relating to construction management and the approval of a Lighting Strategy.

Public Safety

The Public Safety Officer initially commented that escalators should be installed either side of the steps, and raised concerns with regard the potential for the public to congregate at the top and bottom of the steps which could pose a public safety hazard. However, during a meeting of the Safety Advisory Group these matters were discussed, and the Public Safety Officer accepted that in this instance due to the heavy flow of pedestrians, and the provision of alternative lifts that escalators were not strictly necessary, and the flow of pedestrians would be controlled by the Stadium on event days, minimising the risk to public safety.

Landscape and Design

No objection to the demolition of the Wembley Stadium Pedway, it is considered to be a positive improvement to the public realm. The tree species proposed have been considered acceptable and suitable for the location by the Principal Tree Officer.

Transport and Highways

See transport section of this report – no objection raised.

Local Lead Flood Officer

No objection raised.

External

Wembley National Stadium Limited

No objection raised.

Metropolitan Police

The Metropolitan Police were present at the Safety Advisory Group meeting and raised no objection to the proposed development.

Transport for London

No objections raised subject to the applicant engaging in timely communication with TFL on the demolition/ construction work to ensure adequate diversions of bus routes are in place.

The improvements to the public realm are in line with the draft London Plan Policy T2.

Level Playing Fields

Level Playing Fields confirmed that subject to the provision of lifts to allow for level access to the stadium, no objection is raised to the proposed development. Level Playing Fields acknowledge that the existing Pedway structure is not currently appropriate for wheelchair users due to the steep gradient of its incline.

POLICY CONSIDERATIONS

National Planning Policy Framework 2018

London Plan consolidated with alterations since 2011 (March 2016)

Wembley Area Action Plan 2015

Brent Development Management Policies 2016

DETAILED CONSIDERATIONS

Overview

1. The proposal relates to the last of three phases to improve the public realm on Olympic Way by replacing the Pedway with steps and associated public realm enhancements, along with the provision of additional advertising banners mounted on externally lit lighting columns. Advertisement Consent is sought under application reference 18/0974 for 4 banners to be attached to the remaining pairs of lighting columns along Olympic Way part C. Advertisement consent has already been given for 30 banners to be attached to lighting columns along the length of Olympic Way Zones B and A.
2. The removal of the Pedway would also help facilitate the delivery of outline planning permission 14/3054 for Plot NW04 which would help to deliver the Wembley Park Masterplan (LPA:15/5550). An application to vary the original consent for Plot NW04 has recently been determined under application reference 18/0968, which would provide a new south facing Public Square adjacent to the Civic Centre which when considered alongside the proposed removal of the Pedway would deliver an improved area of public realm, and would increase pedestrian permeability through the area.

Existing Pedway

3. The existing double pronged concrete Pedway was erected in 1974 and connects Olympic Way to the Wembley Stadium Concourse Level. The 176m long ramp was built as access for the original stadium that was demolished in 1999, and integrated into the new Stadium as one of the main pedestrian access points. It is considered to exhibit poor design and does not contribute positively to the character of the area and is therefore contrary to DMP1 of Brent's Development Management Policies 2016. As such, its removal is considered acceptable in design terms.
4. The existing Pedway structure does not meet the principles of inclusive design, nor would it comply with current building regulations or the previous guidance as contained within the Disability Discrimination Act due to an unacceptably steep gradient. It has a 19m overall change in level between ground level and the concourse level of the Stadium. There are three sections of varying gradients and changes in level:
 - the first (lowest) section has a gradient of 1 in 10 over a distance of 95m
 - the second section has a gradient of 1 in 28 over 84m
 - the third section includes two curved ramps at a gradient of 1 in 15 over 103m.
5. The ramp gradients are very steep and prove challenging for encumbered spectators to use (this includes those with mobility and/ or visual impairments, ambulant disabled, as well as those with pushchairs). As such, the loss of the Pedway is acceptable in principle subject to the provision of appropriate inclusive design/level access features.
6. The Wembley AAP (2015) which outlines the Wembley Masterplan vision notes at Paragraph 6.40 that the removal of the Pedway ramp is supported on the basis that access and emergency egress are considered, and the replacement scheme provides a townscape and public benefit. There is therefore no principle objection to the removal of the Pedway as it forms part of the Wembley Area Action Plan, and would help facilitate the wider regeneration of the Wembley Area.

Proposed Olympic Steps and Community Space Undercroft

7. The proposed steps have an overall width of 36m, divided into 16 x 1.8m channels by handrails and walls in line with safety guidelines. A total of 48 steps are indicated from ground level (B2) up to Stadium standing level (concourse level). These have been separated into four flights of 12 steps separated by 3.6m level landing areas. The level landing areas between flights have been designed with a 3.6m length to minimise the distance any person could fall in the event of tripping. At the top of the steps a 36m deep landing area is proposed with corduroy hazard warning surface provided at the top and bottom landings of each flight of stairs to give advance warning of a level change.
8. The steps would have 150mm risers and 450mm treads, resulting in a shallow pitch providing a gentle climb. Moreover, the steps are significantly shallower than other flights of steps in Wembley, including the "Spanish" steps between Wembley Park Boulevard and the western Stadium ramp and the steps

between Olympic Way and Wembley Park Station.

9. The proposed steps have been developed with Wembley National Stadium Limited and follows the guidance stipulated within design guidance for sports grounds produced by the Sports Ground Safety Authority.
10. An application for an additional 4 lifts has previously been approved (reference 18/1634). These additional lifts are expected to alleviate queuing pressure before and after an event. In the event the application to demolish the Pedway is approved a condition will be attached to any subsequent approval to ensure the additional 4 lifts are installed prior to the demolition work commencing.
11. Moreover, Plot E05 which is currently pending approval under application reference 17/3213 is expected to provide 202 accessible parking bays from which visitors can access the stadium via a bridge link. This is a significant enhancement of the level access arrangements into the Stadium and is expected to ease access lift queuing concerns following the potential removal of the Pedway.
12. The 33.5m wide pedestrian link area beneath the landing of the steps ('The Undercroft') has been identified as an area that could provide for community activities and 'pop ups'. It is considered acceptable as it maintains permeability across the front of the stadium for pedestrians on Stadium Event Days. This covered area is also proposed to be used as an occasional event space and for use as play space and/or a market area. Incorporated into the steps at concourse level would be roof lights to provide lighting for the undercroft in addition to the LED downlights proposed.
13. The steps proposed would create an enhanced gateway entrance to the stadium as they would be situated between both E01 and W03 which are set symmetrically and have complementary forms. The steps would be an iconic feature providing a grand entrance to the stadium from Olympic Way. This would improve the townscape and enhance legibility and pedestrians' east-west movement. The proposed steps would therefore contribute towards the creation of a distinctive and identifiable environment within the Wembley Regeneration Area in accordance with policy WEM16.

Drainage and Utilities

14. There would be attenuation tanks provided adjacent to the proposed stairs which would be split 50:50 either side of the structure. These would accommodate for surface water storage to a 1 in 100 year storm event and 30% climate change. The Olympic Way surface water drainage and attenuation system is proposed to be installed along the proposed tree-line to accommodate surface water flows.
15. Of the existing drainage and utility networks the gas and power are proposed to be retained in their current position, however an Envac waste pipe is proposed to extend beneath the steps and the foul water and potable water mains will be diverted. The applicants already have Developer Agreements in place with the relevant authorities for these works. The high and low voltage ducts, foul sewer, surface water sewer and telecommunications ductwork are to be retained to the north of the steps on Olympic Way zone C.
16. Water and electric points for the markets located at the undercroft have also been provided and shown on the plans.

Olympic Way Zone C

17. The application seeks to repave the 80m length of Olympic Way Zone C. The replacement of the existing 30-40 year old block paving with a new surface is welcomed in principle and is a requirement of the revised Masterplan for the redevelopment of the area.
18. The revised design matches that being laid along the remainder of Olympic Way and comprises a mixture of three different shades of 62mm thick block paviours. The central 19.25m wide zone is proposed to be laid out with blue-black herringbone blocks in 15m squares, surrounded by grey pink blocks laid in stretcher course. The peripheral 5.5m zones are to be surfaced in dark grey block laid.
19. The paving is to be laid with a standard 2.5% crossfall, with linear drainage channels along the sides of the square pattern of blocks to replace existing gully pots along the street. These will then be fed into attenuation tanks in the completed section of Olympic Way to the north.
20. The central area includes 4 street lighting columns repositioned on either side of the street at 25m

intervals, with a new CCTV camera column proposed in the centre of the route about 3.5m north of Engineers Way. The 20m wide central zone is kept clear of obstruction for use by crowds on Wembley Stadium event days.

21. Within the 5.5m wide peripheral zones, regular tree planting (24 no.) is proposed. The species of tree proposed are 14 'Frans Fontaine' hornbeam trees to the immediate east and west of the proposed steps, with 6 other species proposed to continue the avenue of trees being established along parts A and B of Olympic Way. A planting and maintenance strategy for these trees has been reviewed by the Principal Tree Officer who has confirmed that it is acceptable.
22. Interspersed between the trees of Olympic Way Part C there is proposed to be one bench installed on the western side of Olympic Way, four litter bins located on either side, two wayfinding signs and two event information signs set in slightly from Engineers Way fronting the Stadium.
23. Furthermore, a row of 15 removable bollards and four granite blocks are proposed at the highway boundary with Engineers Way to prevent unauthorised vehicular access to Olympic Way.
24. The advertisement consent sought under application reference 18/0974 is for banners measuring 7m in height and 1.75m wide, these would be positioned within the 13.5m columns on opposite sides of Olympic Way in pairs of 2. The columns provide the lighting for the banners, through lights integrated into the arms of the columns at 450cd/sqm which is acceptable and not expected to affect neighbouring properties amenity. The advertisement banners and illuminated masts are in accordance with banners already in situ along Olympic Way.

Perimeter Way

25. The provision of steps will entail removal of a privately maintained length of Perimeter Way beneath the Pedway, which also formerly provided access to a Stadium drop-off zone in front of the main entrance and the former "Green" car park. This will be replaced with a new road on either side of the steps to connect Engineers Way with Perimeter Way (east) and (west). An amendment to Plot W03 is under consideration with Brent Council under application reference 18/1852 to facilitate these changes.
26. Block-paved footways to a minimum width of 4.5m are proposed on either sides of these lengths of new road, which are considered acceptable. These will incorporate 14 street trees, 12 lighting columns and four wayfinding signs. As with Olympic Way, a line of bollards interspersed with five granite blocks is proposed as a security measure along the highway boundary.

Engineers Way

27. The proposed surfacing treatments will match that of the square at the foot of the proposed steps and at the southern end of Olympic Way. There is clear demarcation between public and private land with lines of bollards and granite blocks proposed along much of the highway boundary, which is considered acceptable.

Steps Impact on Neighbouring Amenity

28. There are noise consequences associated with event days such as noise generated by the crowd, entertainment and crowd movements before and after the event. The noise generated is already an existing consideration, and as such the residential units in the adjacent Plots E01 /02 and W03 have been designed and approved by Brent Council to achieve certain acoustic requirements. As such the units receive a satisfactory level of acoustic protection for the amenity of the residential units. The units have been designed with regard to the external noise from a variety of different sources on both event and non-event days. As such, the replacement of the Pedway with the Olympic Steps would not have an unduly detrimental impact on the amenity of adjoining residents.
29. Any noise associated with the construction will be in accordance with the noise criteria set out within the 'Site Wide Construction Management Scheme, Code of Practice & complaints Handling System' dated September 2004. It is worth noting the steps are proposed to be constructed off site and installed (lifted into position and fixed together on site), thus minimising noise related to this element of the development.

Proposed Lighting and Residential Amenity

30. Lighting would be provided by five 20m high masts along the front of the steps and nine 12m high masts on the landing element of the steps. It is not considered that the directional lighting would unacceptably affect neighbouring properties either existing or under development, but a condition is recommended requiring the submission and approval of a Lighting Strategy.

Access and Public Safety

31. The Olympic Steps have been designed to be in accordance with the 5th Edition of the Green Guide to Safety at Sports Grounds 2008 (also referred to as 'The Green Guide', it is a document produced by the Sports Ground Safety Authority). A Safety Certificate will need to be awarded by Brent Licensing Department to WNSL and Quintain under the Safety of Sports Grounds Act 1975, as amended by the Fire Safety and Safety of Places of Sport Act 1987, in order to allow the Stadium to operate. An informative is proposed reminding the applicant of the need for the scheme to comply with both the guidance contained within the Green Guide and the legislation contained within the Safety of Sports Grounds Act 1975, as amended by the Fire Safety and Safety of Places of Sport Act 1987.
32. A Crowd Movement Report has been prepared by Movement Strategies which sets out the design considerations in relation to the provision of capacity for crowd flow in light of best practice and industry guidance. Modelling and analysis of ingress and egress has been updated using inputs collected as part of a comprehensive data collection exercise in November 2017, comparing existing conditions with those anticipated once the Olympic Steps are implemented. An evacuation scenario has been assessed drawing upon input information supplied by Wembley National Stadium Limited in 2015/16.
33. The report demonstrates that all current access is maintained and ease of movement at ground level (Level B2) is improved. The Olympic Steps work safely and efficiently for access, egress and evacuation from the Stadium. The assessments undertaken have shown that there is the capability to maintain the overall capacity of the system during ingress, egress and evacuation even with the reduction in the number of available channels at the stairs and head of stair barriers from 16 to 12, or an operational scenario where the Spanish Steps and Ginnels are unavailable. This is considered to be acceptable, and appropriate in the context of the application currently under consideration.
34. The proposed Olympic Steps would provide more resilience than the existing arrangement where it may be necessary to close all or part of the ramps to manage a situation where this is necessary, for example crowd separation or crowd control. There are also potential operational benefits in terms of ease of access and ability to segregate the incident from the remaining and/or other crowds. In summary, the replacement steps have been designed to maximise the safety of users of the staircase and is best suited to accommodate the arrival and departure of high pedestrian flows on event days.
35. An Access Statement has been prepared by SYSTRA Ltd which explains how the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the design development. SYSTRA have reviewed the designated existing and future (2020/2021) accessible routes to the Stadium (none of which utilise the Pedway ramps due to the gradients being too steep) and identify that the existing accessible routes (predominantly from Yellow Car Park) include use of a Stadium lift which connects the ground floor to concourse level. To assess the current utilisation of the lift and the Pedway ramp (with a focus on users with limited mobility) a pedestrian survey was undertaken. Based on this survey data it is not anticipated that the proposed development would have a significant detrimental impact to the existing lift provision. Irrespective of this, Wembley Stadium have recently received planning permission to increase the capacity with 4 additional accessible lifts to the Stadium (ref: 18/1634). A condition is recommended for this application in order to ensure the additional lifts are operational prior to the proposed demolition of the Pedway.
36. In considering future provision, regard should also be made to Wembley Park Masterplan Plot E05 which is due to be delivered by 2020/2021 and will include 202 accessible car parking spaces located directly adjacent to the Stadium (Planning Reference: 17/3213). Furthermore, level access to the Stadium concourse will be provided directly from these parking spaces via a bridge link. Once complete, the existing Yellow Car Park will be closed. This will further reduce the lift demand at ground level.
37. It is considered that the Olympic Steps are compliant with inclusive design requirements and will create a more inviting, inclusive and accessible environment. Level Playing Fields were consulted as part of the application process and responded positively to the consultation. Level Playing Fields have confirmed that they are satisfied with the proposal on the basis that the four approved lifts are delivered at Wembley Stadium. As stated previously, a condition will be attached to any subsequent approval to ensure that the lifts are delivered and fully functioning as required by Level Playing Fields prior to the demolition of the Pedway

38. In accordance with the principles of inclusive design, colour / tonal contrast has been used for materials to help identify the main pedestrian route, street furniture, bollards, lighting columns and tactile paving surfaces. The main purpose of using contrasted marking is to help partially sighted people avoid obstacles that they might walk into or trip over. Darker blue / black paving (or dark grey concrete) have been used in both the central shared carriageway and in the 'tree zones' either side. These are broken up by a pale grey (off white) paving either side of the main shared surface section.
39. Strips of pale grey (off white) paving are provided across the shared surface at 15 metre intervals to break up the colour and provide a ladder design. The colour and tonal contrasting materials help to provide delineation between the main shared surface and the sections where the lighting columns and benches (street furniture) are provided to help minimise the potential obstacles to visually impaired people.
40. The CCTV proposed follows the linear existing CCTV posts situated along the northern part of Olympic Way and are acceptable as they do not cause street clutter that would be to the detriment of the visually impaired. The CCTV provides a clear sight line along Olympic Way and the concourse level at the top of the steps and does not impact upon neighbouring sites' privacy or give rise to overlooking concerns.
41. Overall the Olympic Way Zone C proposals adhere to both policy and design guidance in terms of inclusive and accessible design, and will enhance the public realm in the area. It is considered that the proposed steps would offer safe and effective access/egress to and from the National Stadium.

Transport and Movement

Introduction

42. The proposed development would result in Perimeter Way separating on either side of the proposed steps, and the creation of two new priority junctions with Engineers Way. Engineers Way would be retained in its current layout, with the existing Zebra Crossing retained to the east of the proposed steps.
43. The removal of the Pedway and its replacement with steps on the southern side of Engineers Way would mean that in future all pedestrians travelling to and from the Stadium on an event day would need to cross Engineers Way at carriageway level. This would in turn require Engineers Way to be closed for about two hours before all events as well as after events, as is currently the arrangement with Fulton Road.
44. This would result in all east-west routes across Wembley Park being closed for significantly longer periods of time than the current arrangement on Stadium event days. At present, the closure of all three east-west routes is only required at the end of events (except for NFL American Football events). In general, this is for a 60-90 minute period towards the end of the afternoon at weekends (for afternoon sporting fixtures) or at night for evening sporting fixtures or concerts.
45. There are currently a few occasions when Engineers Way is already closed prior to events; namely for the hosting of NFL American Football games and the tailgate parties that take place.
46. It should be noted that the number of major stadium events held on weekday evenings is currently limited to 37 per year under Condition 3 of application reference number 99/2400. This maximum number of events would not change as a result of the current application, as such the potential impacts on the road network already have a level of control.

Traffic Management Measures

47. A Management Plan has been submitted by the applicant which focuses predominantly on soft measures (including general information to be provided to the public, along with signage to alert to road closures) which will raise awareness amongst local businesses and residents of road closures prior to events, and help local residents to prepare alternative routes ahead of time to avoid unexpected disruption and delays.
48. Separate to this application, the Council are progressing with other traffic management measures which when implemented would improve traffic flow and circulation in the area. These measures include proposals to introduce two-way traffic flows around the estate, and improvement works to open a new east-west connection to North End Road. Upon completion of these measures the soft mitigation

measures required as part of this application would no longer be necessary.

Transport Infrastructure Improvements

49. The Wembley AAP and Brent's Core Strategy have identified a number of transport infrastructure improvements that are required to support new development in this growth area.
50. The transport infrastructure improvements proposed are a new road connection between the western end of North End Road and Bridge Road (opposite Wembley Park station) for use by traffic and pedestrians. This would be achieved by removing pedestrian steps and ramps between North End Road and Bridge Road and by raising the level of the road over a distance of about 60m.
51. The future proposed scheme means that on Wembley Stadium event days there would be a replacement east-west route across the Wembley Stadium area that does not cross Olympic Way and therefore would not need to be closed to maintain pedestrian and crowd safety.
52. Brent Council has financially committed to delivering an east-west route through the North End Road connection which would therefore further support the road network on event days.
53. Local residents and businesses would therefore have an alternative route that could remain open throughout an event day to allow them access to and from their properties. In addition to this, bus routes 92 and 206 would not need to divert completely away from Wembley when events are taking place. The applicant has confirmed that there will be ongoing communications with Transport for London to facilitate where the diverted buses will alight.
54. It is worth noting that if there are possible delays with the delivery of the North End Road connection, the modelling that has been provided demonstrates a worst case scenario of a weekday evening peak hour. The road network would be less affected at the weekend as the volume of traffic associated with businesses in the Wembley Industrial Area would be far lower and the residential traffic would naturally be more evenly spread across the day.

Impact on Pedestrian Movement

55. The Crowd Movement Report submitted acknowledges that the Pedway is recognised as the principal approach route by many to the stadium. However, the assessments undertaken and modelling have shown that there is the capability to maintain and improve the capacity of the system during ingress, egress and evacuation with the reduction in the number of available channels for pedestrians in accordance with the Green Guide.
56. The steps provide more resilience than the existing arrangement and have been designed to maximise the safety of users and are best suited to accommodate the arrival and departure of high pedestrian flows on event days.

Mitigation for Local Residents

57. It is proposed that communication strategies would be in place informing residents of organised events which will assist Brent residents' to make informed choices prior to the event such as opting not to use their car, or re-timing their journey to avoid the period before or after an event.
58. As residents will be made aware of the events in advance, when combined with the measures proposed (North End Road connection) local residents are expected to have information available to help reduce their journey times.

Impact on Road Network

59. This area of the report focuses primarily on the impact on Harrow Road, North Circular Road and Forty Lane.
60. The Forty Lane corridor modelling shows that the corridor would experience a greater increase in flows, however, the modelling shows that it has sufficient spare capacity to accommodate this without significant detriment to travel times or delays.
61. The modelling demonstrates that the delay between the Forty Lane corridor, North Circular Road and

Bridge Road would amount to less than 30 seconds, whilst along Harrow Road between North Circular Road and Wembley Hill Road a delay of between 45 seconds to 1½ minutes would be added to journey times. This is not expected to cause detrimental inconvenience to residents or drastically increase the potential traffic.

62. Following the submission of the addendum to the modelling, the impacts on Harrow Road and Forty Lane corridors are likely to be less pronounced than had previously been assumed, partly due to traffic being delayed along the Great Central Way corridor and partly due to traffic redistributing itself over a wider area to avoid congestion close to the Stadium.
63. Flows along Harrow Road are therefore forecast to barely change, largely due to the road being congested already. Traffic diverted away from Engineers Way looking to travel to the southwest would therefore look for a less congested route.
64. The modelling also shows that roads to the west of the Stadium would experience a reduction in traffic flows and an improvement in traffic conditions as a result of the closure. Most notably, Empire Way and Wembley High Road would see significant falls in traffic flow as traffic cannot travel west from Engineers Way and this would cut journey times along the Empire Way corridor by up to 30 seconds.
65. The North Circular Road corridor including Great Central Way and St Raphael's Way would experience temporary congestion and delays on event days, however, the proposed North End Road connection would alleviate any concerns over traffic in these areas.
66. The Head of Highways & Infrastructure has accepted that the predicted additional disruption to the highway network on Wembley Stadium Event Days can be accepted for the temporary period before the delivery of the North End Road connection. The road network will be managed as well as possible during the interim to minimise inconvenience and delay to local residents and businesses, until such time as the North End Road scheme is delivered.

Overall Impact

67. In conclusion, the surveys of existing traffic flow along the Harrow Road and Forty Lane corridors do show some increases in volume and journey time travelling towards the Stadium, but this is to a certain extent balanced by lower flows and quicker journey times on routes heading away from the Stadium – probably as a result of some traffic avoiding the area on event days. Journey times are therefore only increased to a notable degree along the Forty Lane corridor towards the Stadium.
68. The North End Road connection is therefore expected to mitigate traffic concerns surrounding Wembley Stadium on event days.

Conclusion

69. The scheme provides a suitable access point for visitors that creates an inviting, inclusive and accessible environment for the Stadium. It continues the improvements of the streetscape in accordance with the wider Wembley Masterplan and positively responds to its surrounding environment.

Whilst it is acknowledged that there is the potential for there to be temporary delays to users of the road network on Wembley Stadium event days these are expected to be mitigated by the delivery of North End Road which Brent Council has made a financial commitment to deliver.

CIL DETAILS

This application is liable to pay **£49,984.14*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 476 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

Storage and distribution	476		476	£40.00	£35.15	£26,605.00	£23,379.14
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BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
Total chargeable amount	£26,605.00	£23,379.14

*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 – APPROVAL

Application No: 18/0973

To: Miss Carney
WYG
11th Floor
1 Angel Court
London
EC2R 7HJ

I refer to your application dated **12/03/2018** proposing the following:

Full planning permission for the demolition of the existing 'Pedway' ramp structure to the front of Wembley Stadium and the construction of a set of steps (with associated lighting) to connect ground level to Wembley Stadium Landing Level (concourse); and use of the void created beneath the proposed steps as secure storage for estate maintenance equipment; the reconfiguration of an existing unadopted estate road (Perimeter Way) to create two new roads either side of the steps connecting to Engineers Way; the use of land beneath the steps bridge as temporary event space; a revised vehicular access to Plot W03 immediately west of the application site and public realm works comprising the installation of hard landscaping, street trees, lighting columns that can incorporate advertising banners, street furniture, underground water attenuation measures, services, tree pits and other associated works.

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

at **Zone C, Olympic Way & Perimeter Way, Wembley, HA9**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 04/09/2018

Signature:

Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-
 - Revised National Planning Policy Framework 2018
 - London Plan consolidated with alterations since 2011 (March 2016)
 - Brent Local Plan 2016
 - Wembley Area Action Plan 2015
 - Brent Local Development Framework Core Strategy 2010

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):
 - 01-ZC-100 - Existing Ground Floor (Level B2) Plans
 - 01-ZC-110 - Existing Landing level (B1) Plan
 - PA-ZC-001 - Site Location Plan
 - PA-ZC-105 - Proposed Ground Floor (B2) Paving Plan
 - PA-ZC-106 - Plan of reinstatement to NW corner of Pedway
 - PA-ZC-110 - Proposed Landing Level (B1) Plan
 - PA-ZC-115 - Proposed Landing Level (B1) Paving Plan
 - PA-ZC-201 - Proposed Section BB
 - PA-ZC-203 - Proposed Section DD
 - PA-ZC-204 - Proposed Sections EE & FF
 - PA-ZC-202 - Proposed Section CC
 - PA-ZC-200 - Proposed Section AA Looking South
 - PA-ZC-120 - Proposed Concourse (Level 0) Plan
 - PA-ZC-205 - Proposed Sections GG & HH
 - PA-ZC-100 - Proposed Ground Floor (Level B2) Plan
 - 981111-PA-30-002 Rev A - Zone C - Olympic Way Tree Planting Detail
 - 981111-PA-30-005 Rev A - Zone C- Olympic Circus Tree Planting Detail
 - 981111-PA-10-002 Rev A - Zone C Landscape Tree Planting GA
 - Olympic Way Zone C Geoenvironmental Remediation Method Report Rev 01 (Dated: 13/03/2018)
 - Planning Statement (Dated March 2018)
 - Olympic Steps & Zone C Transport Statement Rev 001 (Dated March 2018) and (10th August 2018) Highway Statement Addendum for Engineers Way Closure Pre-Event
 - Olympic Steps Schedule One Description of Development (Dated March 2018)
 - Olympic Way Zone C: Crowd Movement Study (Dated 01/03/2018)
 - Olympic Way, Zone C Site Management Plan (Date March 18)
 - Planning Application Cover Letter (Dated 12 March 2018)
 - Olympic Way and Olympic Steps, Wembley | Zone C Design and Access Statement (Dated March 2018)

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

- 3 Prior to the commencement of the demolition of the Pedway, the 4 additional accessible lifts to the Stadium approved under application ref: 18/1634 dated 24/05/2018 (or any subsequent permission for 4 accessible lifts) shall be operational and available for use.

Reason: In order to ensure the provision of adequate disabled access facilities for the National Stadium.

- 4 Prior to the commencement of works on the superstructure of the development hereby approved, details of external materials (with samples where appropriate to be made available for viewing on site or at another location as agreed) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details, unless alternative materials are agreed in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with those details.

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

- 5 Full details of any external lighting, including the external lighting fixtures and a light contour plan for the land surrounding and beneath the structure, shall be submitted to and approved in writing by the Local Planning Authority, prior to its installation. This shall include details of the luminance levels, details of any automatic timers or sensors and details of measures to control light pollution. The approved details shall be implemented in full prior to the commencement of the use hereby approved and the lights shall not be installed or operated other than in accordance with the approved details.

Reason: In the interests of safety, sustainability and the amenities of neighbouring residential occupiers.

- 6 The landscaping works hereby approved shall be fully implemented prior to the practical completion of the works hereby approved.

Any trees or shrubs that are a part of the approved scheme that, within a period of five years after planting, are removed, die or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- 7 The development hereby approved shall be carried out in accordance with the 'Olympic Way, Zone C Site Management Plan' dated May 2018 hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

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

- 8 No piling shall take place until a piling phasing and logistics plan and a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) have been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling phasing and logistics plan and piling method statement. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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

- 9 Prior to the commencement of the demolition of the Pedway, a Wayfinding Strategy to ensure that event-goers can safely and efficiently navigate the new Stadium access arrangements resulting from the scheme hereby approved shall be submitted to and approved by the Local Planning Authority in consultation with Wembley National Stadium Limited / The FA / their successors or any future owner of Wembley Stadium. The Wayfinding Strategy and associated infrastructure shall be implemented in full prior to first use of the Steps.

Reason: In order to ensure that pedestrian and disabled access routes are clearly legible, and in the interests of proper planning.

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

Reason: To protect local amenity and air quality in accordance with London Plan policies 5.3 and 7.14.

- 11 A method statement for the reduction of emissions from construction vehicles shall be submitted to the local planning authority for approval in writing prior to the commencement of demolition / construction. All mobile vehicles associated with the demolition / construction should comply with the standard of the London Low Emission Zone. (All Heavy Duty Vehicles/Heavy Goods Vehicles should aim to be Euro VI compliant for PM because of the intensive and extensive nature of construction in the surrounding area.)

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies

- 12 Prior to the commencement of the demolition of the Pedway, drawings shall be submitted for approval under S278 of the Highways Act 1980 including:

- (i) the removal of the existing junction with Perimeter Way/Olympic Way;
- (ii) formation of two new junctions with Perimeter Way (East and West) with 8m kerb radii on both sides of the junction of Perimeter Way West with Engineer's Way, and an 8m kerb radius on the eastern side of the junction of Perimeter Way East with Engineer's Way;
- (iii) construction of a new footway in block paving along the southern side of Engineers Way;
- (iv) resurfacing of the footway on the northern side of Engineers Way in block paving;
- (v) the reduction of the kerb radii on the eastern side of the junction of Wembley Park Boulevard and Engineers Way;
- (vi) repositioning of the westbound bus stop on Engineers Way outside Arena Square; and
- (vii) all associated alterations to street lighting, lining, signage and drainage,

with all works to be undertaken at the developer's expense in accordance with a timescale to be approved by Brent Council.

Reason: In the interest of highway and pedestrian flow and safety.

- 13 Within 12 months of the commencement of development, a study into the optimum siting of future pedestrian crossing(s) on Engineers Way in the vicinity of Olympic Way shall be undertaken and agreed in writing with the Local Planning Authority. The implementation of any recommended findings from the study shall be undertaken at the applicant's expense through an Agreement under S278 of the Highways Act 1980 within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interest of highway and pedestrian flow and safety.

- 14 Prior to the demolition of the Pedway and/or the construction of the steps, a Construction Phasing and Logistics Plan for the demolition of the Pedway, construction of the new steps (excluding ground preparation works and piling) and bringing the steps into operational use shall be submitted to and approved in writing by the Local Planning Authority in consultation with Wembley National Stadium Limited / The FA / their successors or any future owner of Wembley Stadium. The Phasing Plan must define the key milestones for completion of each phase of the development. Milestones may include the EFL Cup Final in 2020 and Euro 2020. The approved Construction Phasing and Logistics Plan shall be implemented for the duration of the demolition and construction period.

Reason: In the interest of highway and pedestrian flow and safety.

- 15 Prior to the commencement of the demolition of the Pedway, a Framework Stadium Event Day Travel and Highways Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with Wembley National Stadium Limited / The FA / their successors or any future owner of Wembley Stadium. This shall relate to all events occurring post Pedway removal but prior to the completion of the North End Road re-connection. All recommended signage, traffic signal timing adjustments, bus service diversions and other measures identified in the Plan shall be installed/undertaken at the developer's expense to a timescale agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian flow and safety.

- 16 Prior to the commencement of the demolition of the Pedway, an Operational Management Plan for the new steps shall be submitted to and approved by the Local Planning Authority in consultation with Wembley National Stadium Limited / The FA / their successors or any future owner of Wembley Stadium.

Reason: In the interest of pedestrian flow and safety and to protect the residential amenities of neighbouring occupiers.

INFORMATIVES

- 1 The applicant is reminded that the scheme hereby approved must comply with the guidance contained within the Department of Culture, Media and Sport document 'The Guide to Safety at Sports Grounds', ("Green Guide") (5th Edition, 2008). It must also comply with legislation contained within the Safety of Sports Grounds Act 1975, as amended by the Fire Safety and Safety of Places of Sport Act 1987. Test events using the new steps arrangement should be organised to allow assessment in relation to the above guidance and legislation.
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 3 Attention is drawn to the provisions of s151 of the Highways Act 1980, which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other material onto neighbouring roads.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer and constructor of the development are strongly encouraged to pay the London Living Wage to all employees associated with the construction of the development.

Any person wishing to inspect the above papers should contact Colin Leadbeatter, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2232

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 September, 2018
04
18/1597

SITE INFORMATION

RECEIVED	27 April, 2018
WARD	Sudbury
PLANNING AREA	
LOCATION	67 Medway Gardens, Wembley, HA0 2RJ
PROPOSAL	Erection of a first floor side extension and part two storey rear extension, loft conversion with hip to gable conversion, rear dormer, subdivision of the rear garden, 1No. front rooflight and new window to front elevation to facilitate the conversion of a single family dwelling into two self contained flats (1 x 2 bed and 1x 3 bed) (Amended description 30.07.18)
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_139689</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "18/1597" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the committee resolve to grant planning permission subject to the conditions set out below.

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

Conditions

1. Time Limit for commencement
2. Undertaken in accordance with approved drawings/documents
3. Works to the vehicular crossover
4. No use of roof of extensions as balcony
5. Permitted development restriction relating to changes between a dwellinghouse and a house in multiple occupation
6. Materials for the extensions must match the existing house
7. Approval of details of hard and soft landscaping, cycle storage and bin storage


Informatives

1. CIL Liable
2. Party Wall
3. Building near boundary
4. Contact Highways and Infrastructure regarding the crossover works

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

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

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: 67 Medway Gardens, Wembley, HA0 2RJ</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

Planning permission is sought to construct a hip-to-gable roof extension and rear dormer, two-storey side extension and single-storey rear extension, and to convert the house into two flats (one x 3bed and one x 2bed), together with the provision of two parking spaces, bin storage and frontage landscaping.

EXISTING

The existing site consists of a two-storey semi-detached house and its residential curtilage. The house has a hipped roof, an attached garage to the side, and a part-width single-storey rear conservatory.

The site is situated on the western side of Medway Gardens, within an established residential area. It is not in a conservation area and does not contain any listed buildings.

AMENDMENTS SINCE SUBMISSION

The proposed plans as originally submitted showed:

- two x 1bed flats on the ground floor and one x 3bed flat on the first floor and loft floor;
- the original hipped roof retained and a two-storey side extension with a hipped roof;
- three parking spaces on the site frontage;
- the rear garden subdivided into three, with the two ground floor flats having direct access to private gardens and access to the shared garden providing cycle storage and bin storage, and the upper flat having access to the shared garden via a private driveway to the side of the property.

Revised plans were received on 31 July 2018, showing the addition of a hip-to-gable roof extension and gable roof to the proposed side extension, altering the internal configuration and reducing the number of units from three to two to provide both with direct access to the ground floor, removal of an entrance gate from the rear garden onto the adjoining private driveway, relocation of the bins from the rear garden to the frontage, reduction in parking spaces from three to two and addition of frontage soft landscaping. Neighbours were reconulted.

Further revised plans were received on 20 August 2018, correcting inconsistencies in the drawings relating to the design of the roof extension and side extension. These were not considered to materially alter the scheme and did not require further consultation.

SUMMARY OF KEY ISSUES

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

Neighbour objections

This application has been referred to Planning Committee due to the number of objections received (10 in total). These relate primarily to the principle of development, design, impact on neighbouring properties, impact on on-street parking. Officers consider that the planning related objections have been resolved through the submission of revised plans.

Principle of development

The general principle of the conversion of a house into flats is generally accepted as a means of increasing housing supply providing the proposal re-provides a family size (3+ bedrooms) home with direct access to an adequately sized garden. The proposal complies with the relevant policy requirements and is acceptable in principle.

Design, scale and appearance

The physical works proposed take the form of householder extensions that would be proportionate to the original house and in keeping with its character. Similar extensions could be constructed if the property remains in single use, under existing householder permissions and permitted development rights.

Relationship with neighbouring properties

The proposal complies with all relevant guidance and would not have an unduly detrimental impact on neighbouring properties.

Residential living standards

The proposal exceeds the minimum requirements in this respect and would provide a good standard of residential accommodation across both of the proposed units.

Transportation, servicing and parking

The proposal complies with all the relevant policies and standards, and would not have an unduly detrimental impact on on-street parking or highway safety.

RELEVANT SITE HISTORY

17/5064

Full Planning Permission

Refused 14/03/2018

Demolition of conservatory and subdivision of existing single dwellinghouse into three flats (1 x 3bed and 2 x 1bed) to include erection of a rear dormer window, two storey side and rear extension and insertion of one front rooflight

This application was refused due to the inadequate provision of off-street parking and the quality of residential accommodation that was proposed.

15/2284

Certificate of Lawfulness - Proposed

Granted 16/07/2015

Certificate of lawfulness for the proposed erection of a hip-to-gable roof extension, rear dormer window and the insertion of window to the flank elevation and two rooflights to the front elevation of dwellinghouse

15/2285

Householder

Granted 23/07/2015

Demolition of single storey side extension and part single storey rear conservatory, erection of two storey side to rear extension, rear dormer window and insertion of rooflight to front elevation of dwellinghouse

15/2224

Prior Approval - houses

Prior approval not required 07/07/2015

Prior approval for a single storey rear extension to dwellinghouse, in metres:

Extending beyond the rear wall of the original house - 6

Maximum height - 3

Eaves height - 2.775

CONSULTATIONS

22 neighbouring properties were consulted by letter on 29 June 2018 and on 31 July 2018 following the receipt of revised plans.

Eight objections were received in response to the initial consultation and a further two objections to the second consultation.

None of the original eight objections were withdrawn during the second consultation, although one related only to the use of the private road, which is no longer proposed.

The objections are summarised below:

Objection (initial consultation)	Officer response
- loss of family house, no need for flats in the area, will alter character of the area	See 'Principle of development', paragraph 5
- will increase parking pressure on street,	See 'Transportation', paragraph 32

including by visitor parking, and have adverse impact on access for emergency vehicles and road safety including for children	
- overlooking onto neighbouring properties and loss of privacy, including from loft conversion	See 'Relationship with neighbouring properties', paragraphs 15 and 18
- increase in noise due to multiple occupancy	See 'Relationship with neighbouring properties', paragraph 18
- inconvenience and noise of construction work	Construction work is governed by environmental nuisance regulations. The physical works involved in extending the house are similar to those already approved under previous applications. See 'Relationship with neighbouring properties', paragraph 19
- style of building works not in keeping with surrounding area	See 'Design, scale and appearance', paragraph 12
- nine bins would be required for three flats, and these could not be accommodated on the frontage alongside three cars	The revised proposal is for two parking spaces. See further comments under 'Transportation', paragraph 30
- bin storage would attract vermin	Bin storage is a common feature in residential areas and there is no evidence that an additional property would create this problem.
- overdeveloped building would have adverse impact on visual amenity from neighbouring rear gardens	See 'Relationship with neighbouring properties', paragraphs 14-20
- lack of access to garden and escape route for upper flat	This issue has been addressed through the submission of revised plans.
- use of private road belonging to properties in Harrow Road, including pedestrian safety concerns and obstruction caused by bin movements	This issue has been addressed through the submission of revised plans. The revised proposal does not rely on any use of the private road.
- widening the dropped kerb to accommodate three parking spaces with no soft landscaping is against Brent's crossover policy	This issue has been addressed through the submission of revised plans. The revised proposal has two parking spaces. See further comments in 'Transportation', paragraphs 29-30
- poor condition of existing rental properties in area	This is not a material planning consideration. There is no evidence to suggest the properties would be rented rather than sold, or that this affects maintenance.
- will set a precedent	There is no precedent in the planning system. Each case is decided on its own merits.
- delays in postal service	These are unfortunately beyond the Council's control, however comments can

	be accepted after the closing date at the case officer's discretion.
- objections to previous application	Although the previous application was refused this does not prevent a new application being made and each case is decided on its own merits.
- neighbours were not notified of previous proposals decided without consultation in 2015	This may relate to a Certificate of Lawful Development application, which is not subject to neighbour consultation as permitted development rights are granted by statute and not by the local authority, or to a householder application which is subject to more limited consultation than an application for full planning permission.

Additional consultees

Sudbury Town Neighbourhood Forum: No response

Sudbury Town Residents Association: No response

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

The National Planning Policy Framework 2018
 SPG 17 Design Guide for New Development 2002
 SPD2 Residential Extensions and Alterations 2017
 Brent Waste Planning Guide 2013
 Mayor of London's Housing SPG 2016
 Mayor of London's Sustainable Design and Construction SPG 2014

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. In addition, the emerging Draft Brent Design Guide SPD1 has been subject to public consultation and once adopted will supersede SPG17. The Draft New London Plan has also recently been subject to public consultation. These documents carry some weight in the assessment of planning applications, as emerging policies.

DETAILED CONSIDERATIONS

Principle of development

1. Core Strategy Policy CP1 seeks to concentrate housing growth in well located areas, and Policy CP2 sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation.
2. Furthermore, the NPPF 2018 expects the planning system to significantly boost the supply of housing and to consider applications for new housing in the context of the presumption in favour of sustainable development, which requires applications to be approved where they are in accordance with local planning policies. It encourages the planning system to promote the effective use of land, giving substantial weight to the value of using suitable brownfield land within settlements for housing and supporting the development of under-used land and buildings. The Draft New London Plan adds further weight to this policy context, proposing substantially increased housing targets across London and a range of measures aiming to deliver these increased targets. Specifically, Policy H1 requires boroughs to

optimise the potential for housing delivery on all suitable and available brownfield sites, while Policy H2 expects them to pro-actively support well-designed new homes on small sites.

3. Policy DMP17 provides more specific criteria to protect family sized housing. For housing conversions, it requires the existing home to be 130sqm or more and the proposal to include at least a 3bedroom unit preferably with direct access to a garden or amenity space. The policy recognises the high level of need for family-sized housing in Brent, but also acknowledges that this can be provided as flats as well as traditional houses. The minimum floorspace requirement helps to ensure that conversion into separate units does not result in these being under-sized.
4. The existing property is a 3 bedroom house with a floorspace of 133sqm and the proposed extension works would increase the floorspace to 216sqm, providing a relatively generous amount of floorspace for the proposed two flats. Similar extensions could be constructed if proposed as extensions to a dwellinghouse (i.e. if a conversion to flats was not proposed), and your officers consider that extending the house to allow for its conversion represents an efficient use of land. The proposal would also include a 3bedroom flat with direct access to private rear garden space.
5. Objections have been raised regarding the principle of housing conversions. However, these are generally accepted in principle by Policy DMP17 as a means of increasing housing supply. Your officers consider that the proposal complies with the relevant policy requirements and is acceptable in principle, subject to other material planning considerations.

Design, scale and appearance

6. Policy CP17 aims to protect suburban areas from inappropriate development including infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings, while Policy DMP1 requires the scale, type and design of development to complement the locality. The NPPF also emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation.
7. The physical works would take the form of extending the existing house, and Brent's Supplementary Planning Guidance 2 (Residential Extensions and Alterations, 2017) provides specific advice on the design of such extensions.
8. The first element of the works involves conversion of the hipped roof to a gable roof with a rear dormer window. SPD2 permits this form of extension. Furthermore, the roof of the adjoining house in the semi-detached pair has already been extended in this way. This element of the proposal was suggested by your officers as it would restore the symmetry of the pair of houses and would therefore be preferable in design terms to retaining the original hipped roof.
9. The second element of the works involves constructing a two-storey side and rear extension in the place of the existing single-storey garage. SPD2 states that two-storey side extensions should be of a size, shape and height to complement the house. They should normally be no more than two-thirds of the width of the house, be set back from the main front wall at first floor level, have a roof to match the pitch angle and a gable end where the main roof is gabled, with the ridgeline set to a minimum of 0.5m below the original ridgeline. The proposal complies with all of these requirements. The first floor would be set back from the main front wall by 1.5m and, whilst SPD2 normally requires a distance of 2.5m, it accepts a 1.5m set back where the extension will not result in a terracing effect being dwellings. The reduced set back is considered acceptable in this case as, although not on a corner, the site adjoins a private road and the extension would not therefore create any terracing effect.
10. The two-storey extension would extend to the rear beyond the original rear wall. SPD2 provides advice on rear extensions in relation to neighbouring amenities, and this issue is discussed further under 'Relationship with neighbouring properties'. The extension would be of a modest depth and less than two-thirds the width of the original house and the gable end roof design would complement the main gable roof while the ridgeline would be set down from the main ridge so as to appear subservient. The rear dormer would be set in from the main ridge and eaves, and would not project onto or over the two-storey extension, and this also complies with the requirements of SPD2.
11. The final element involves a 6m deep single-storey rear extension. SPD2 allows these to extend across the full width of the house, and imposes a limit of 6m in depth in order to protect the original character of the house (subject to the consideration of impact on adjoining properties, discussed in the next section of this report). In design terms the extension is considered to be acceptable and in keeping with the

character of the house, in accordance with SPD2.

12. Objections have been raised regarding the works representing over-development and not reflecting the character of the area. However, your officers consider that the works are typical of householder extensions found throughout the borough, that they are acceptable within the surrounding street scene and that they comply with the design requirements of SPD2. The visual impact upon the street scene and surrounding area would not be significantly different to that created by implementing the existing householder permissions.
13. Materials are indicated on the plans as matching the existing materials.

Relationship with neighbouring properties

14. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, and further advice on amenity issues in relation to householder extensions is given in SPD2, with guidance in relation to development generally provided in SPG17 and draft SPD1.
15. The proposed hip-to-gable roof extension and rear dormer are in line with SPG2, and are not considered to have an unduly detrimental impact on the light, outlook or privacy of neighbouring properties. Similar works could be carried out under permitted development rights if the property remains in use as a single dwellinghouse, and are generally not considered to have unduly adverse impacts on neighbouring properties.
16. The two-storey side and rear extension would comply with the 1:2 guidance given in SPD2 in respect of the adjoining house at No 65 Medway Gardens, as the depth beyond the main rear building line would be less than half the distance from the flank wall of the extension to the centre of the nearest habitable room window at No 65.
17. The single-storey rear extension would project to a depth of 6m from the main rear wall. However the adjoining house at No 65 has an existing extension to a depth of 3m. The proposed extension would therefore project 3m beyond the existing rear wall of No 65, with a height of 2.75m. This complies with the requirements of SPD2 with respect to single-storey rear extensions.
18. Although concerns have been expressed regarding the impact on privacy to neighbours sharing the rear boundary, the extended part of the house would maintain a distance of over 20m from the rear boundary by virtue of the depth of the rear garden. This complies with the separation distances required in SPG17 to maintain privacy of neighbouring properties. There would be no side elevation windows to cause concerns regarding overlooking onto adjoining properties, and the general noise and disturbance associated with two properties is not considered significantly greater than that of a single property. The potential use of the flat roof of the single-storey rear extension as a balcony can be prevented by condition.
19. Concerns have been raised regarding the inconvenience and noise of construction work. However, the physical works involved would be similar to those that could be undertaken under existing householder permissions and permitted development rights, and it is considered that it would be unreasonable to impose additional restrictions on these. Additionally, the control of construction works falls under legislation outside of planning and therefore cannot be covered by the scope of this consent.
20. Subject to the condition above, the proposal is considered to comply with the relevant policies and not to cause any adverse impacts on the residential amenities of neighbouring properties.

Residential living standards

21. Consideration must be given as to the standards set out in the Mayor's Housing SPG (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which requires private amenity space of 20sqm per 1bed or 2bed flat and 50sqm for family housing including ground floor and 3bed or 4bed flats. Single aspect units should be minimised, particularly if north-facing.
22. The proposed units would both occupy more than one floor, with the 2bed unit essentially occupying the footprint of the existing former garage and the proposed loft conversion. The existing property has a separate front entrance door to the former garage and this would be utilised to provide a separate entrance to the 2bed unit.

23. The 3bed unit would have total floorspace of 116sqm and the 2bed unit would have total floorspace of 102sqm, and both would be generously sized compared to the minimum requirements of 102sqm and 79sqm for 3b6p and 2b4p duplexes respectively (there is no minimum standard for 2bed three-storey dwellings, however the proposed floorspace is considered to be more than adequate to accommodate the additional stairwell). Bedroom sizes would all comfortably exceed minimum standards, each unit would be dual aspect, and the internal configuration would avoid any noise impacts from adverse stacking between flats.
24. The rear garden would be divided into two portions, with each flat having direct access to their private garden space. The garden for the 3bed flat would be approximately 146sqm and the garden for the 2bed flat approximately 115sqm, both comfortably exceeding the minimum standard.
25. Overall the proposal is considered to comply with all of the relevant policies and to offer a very good standard of accommodation for future residents.

Transportation, servicing and parking

26. Policy DMP12 is relevant with regard to the consideration of parking.
27. Medway Gardens is a local residential access road and, although on-street parking is unrestricted, its narrow width prevents parking on both sides and footway parking is commonplace. However it is not noted as being heavily parked at night. The site has poor public transport accessibility (PTAL rating of 2) and therefore the higher residential parking standards set out in Appendix 1 of the Development Management Policies 2016 apply. The existing three bedroom house has a maximum parking allowance of 1.5 spaces (although this allowance would increase to two spaces if the previously approved extensions to the property granted in 2015 were constructed). The existing driveway for one to two cars provides parking broadly in line with standards, although it does not meet requirements for soft landscaping as the site frontage is entirely hard surfaced, and is served by an existing crossover.
28. The proposed two flats (one x 3bed and one x 2bed) would have a maximum parking allowance of 2.5 spaces. The proposal includes two off-street parking spaces, accessed via the existing crossover. This represents 80% of the maximum allowance, which is considered sufficient to prevent additional demand on on-street parking and addresses the concerns raised in relation to the previous application 17/5064 with regards to overspill parking.
29. To facilitate vehicular access to both spaces without vehicles driving unlawfully over the footway, highways officers have requested that the crossover to the site is widened by 1.3m at the applicant's expense, and this would be required by condition. In addition, an informative is recommended advising the applicant to contact the Head of Highways & Infrastructure to arrange for the crossover works to be undertaken on their behalf.
30. The proposed site layout also shows the replacement of existing block paving on the southern part of the frontage with planting, thus increasing the soft landscaping within the site from zero to 35%, which is welcomed and would ensure effective drainage of the site. There would also be a front boundary wall of 0.8m, separate pedestrian access and a storage area for bins which would be in a convenient location for collection and would be large enough to accommodate one x 140L and one x 240L bins, to meet the Council's requirements for a house conversion to two households.
31. Cycle stores are shown located in the rear gardens and these would be large enough to accommodate two cycles each, in compliance with London Plan standards which require two cycle parking spaces for 2bed and larger flats.
32. Although neighbour objections have been received on these points, the proposal is not considered likely to increase on-street parking pressure or to impact on access for emergency vehicles or road safety. It is considered to comply with all the relevant policies in this respect. A condition is required, for the submission and approval of further details of hard and soft landscaping, boundary treatments, cycle storage and bin storage, and a further condition will require these facilities to be provided and retained.

Density

33. Development of the site is expected to conform to the density range set out in the London Plan of 150-250 hr/ha for suburban sites (or 40-80 units/ha) with a PTAL score of 2, unless a higher density can

be justified as a result of a scheme being acceptable in planning terms. The proposed density of approx. 149 hr/ha or 42 units/ha sits comfortably within the London Plan density range and the density is therefore considered to be appropriate to the site.

Conclusion

34. Your officers consider that the proposal is acceptable in principle, that the physical works proposed are acceptable in design terms and there would be no adverse impact on neighbouring amenities, that the development would offer a good standard of accommodation, would make adequate provision for parking, cycle storage and bin storage and would not have any adverse impacts on the highway network, and that it would be of an appropriate density given the character and accessibility of the area. The application complies with all of the relevant policies and approval is recommended on this basis.

CIL DETAILS

This application is liable to pay **£27,272.16*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 216 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
Dwelling houses	216	133	83	£200.00	£35.15	£23,195.54	£4,076.62

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
Total chargeable amount	£23,195.54	£4,076.62

*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 – APPROVAL

Application No: 18/1597

To: Mr Harling
C49 Architecture Ltd
S2 Spring Mill
Main Street
Wilsden
Bradford
BD15 0DX

I refer to your application dated **27/04/2018** proposing the following:

Erection of a first floor side extension and part two storey rear extension, loft conversion with hip to gable conversion, rear dormer, subdivision of the rear garden, 1No. front rooflight and new window to front elevation to facilitate the conversion of a single family dwelling into two self contained flats (1 x 2 bed and 1 x 3 bed) (Amended description 30.07.18)

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

at **67 Medway Gardens, Wembley, HA0 2RJ**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 04/09/2018

Signature:

Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2016 (Policy 3.4)
Brent Core Strategy 2010 (Policies CP2 and CP21)
Brent Development Management Policies 2016 (Policies DMP1, DMP12, DMP17, DMP18 and DMP19).

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

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

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

2017073(0-)01
2017073(0-)02 Rev H

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

- 3 Prior to commencement of the development the applicant shall enter into an arrangement with the Council's Head of Highways and Infrastructure to enable works to the public highway comprising the widening of the existing vehicle crossover to 1.3m to be carried out. The dwellings hereby approved shall not be occupied unless the works have been completed in full.

Reason: To ensure safe and lawful access to on-site parking is provided for the development, in the interest of highway flow and safety.

- 4 No access shall be provided to the roof of the single storey rear extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- 5 The residential units hereby approved shall not be used other than as a dwellinghouse within Use Class C3, and shall at no time be converted from Use Class C3 (residential dwellinghouse) to Use Class C4 (small HMO), notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units.

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

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

- 7 Prior to development commencing, further details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, including hard landscaping

materials which shall be permeable or porous or otherwise make provision for drainage within the site, planting species, bin storage and cycle storage, and proposed boundary treatments.

The hard and soft landscaping, including the planting, parking areas, accesses, drainage, cycle and bin storage shall be implemented in full prior to first occupation of the development and shall thereafter be permanently retained and not used other than for purposes ancillary to the flats hereby approved.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development, in the interest of highway flow and safety, and to prevent excessive surface water run-off and the potential for flooding.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant should contact Brent Highways & Infrastructure to arrange for the crossover works to be undertaken on their behalf. Details of how to apply to have the crossover works undertaken can be found on the Council's web site.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 September, 2018
05
17/5291

SITE INFORMATION

RECEIVED	12 December, 2017
WARD	Willesden Green
PLANNING AREA	Brent Connects Willesden
LOCATION	Willesden Green Garage, St Pauls Avenue, London, NW2 5TG
PROPOSAL	Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_137677</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "17/5291" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Energy Strategy
4. Travel Plan
5. Permit free agreement
6. Training and Employment
7. Affordable Housing including a review mechanism
8. Considerate Constructors Scheme
9. s278 highway works
10. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Sound insulation and noise reduction
4. Plant
5. Wheelchair accessible
6. Cycle/parking spaces
7. Vegetation clearance
8. Restriction on C3 to C4 use
9. Details of materials
10. Hard and soft landscaping plan
11. Mains water consumption
12. Air Quality
13. Drainage Strategy
14. Access to basement
15. Site investigation and remediation
16. Design and construction method for Network Rail
17. Piling and Excavation works

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

That, if by 12 December 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

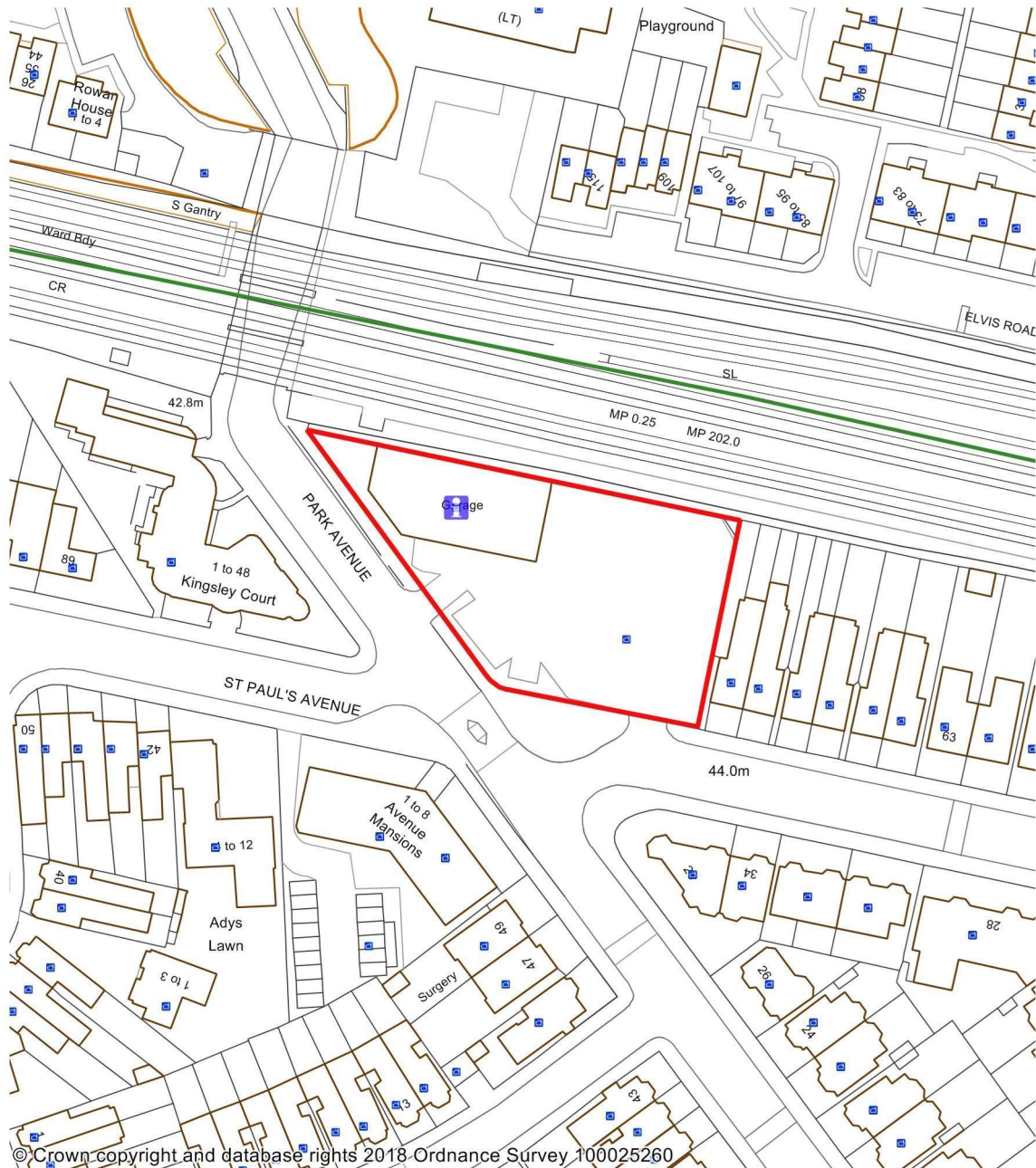
SITE MAP



Planning Committee Map

Site address: Willesden Green Garage, St Pauls Avenue, London, NW2 5TG

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of the existing building that houses the MOT centre and the redevelopment of the site as a part seven part four storey building to accommodate 70 residential units. The 7th floor of the building would be set back from the front. The proposal would consist of a basement or lower ground floor level accessed via a ramp from St Paul's Avenue. All of the upper floors would consist of residential units. The lower ground floor area would consist of 16 disabled car parking spaces, cycle/refuse storage and plant. The proposal would include three communal amenity space areas at ground, third and fourth floor level.

The mix of residential units that is proposed is as follows:

	Private	Affordable Rent	Intermediate	Total
1-bed	28	5	2	35
2-bed	19	2	1	22
3-bed	10	2	1	13
Total	57	9	4	

EXISTING

The site previously consisted of a petrol filling station that has been demolished. The site currently consists of a building that is in use as an MOT centre and a car wash and car park. The site is located on the corner of St Paul's Avenue and Park Avenue North and a train/underground line is located to the north. The area is generally residential in character with Willesden Town Centre located 230 metres to the south of the site. To the west of the site and directly across the road is Kingsley Court which is a large Grade II listed, residential building built in the 1930s. The site is not located within a conservation area. To the south of the site there are a number of attractive mansion blocks from the Victorian era. To the east of the site there is a row of two storey, terraced properties that lead up St Pauls Avenue to Willesden High Street.

SUMMARY OF KEY ISSUES

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

Principle: There is no objection in principle to the demolition of the existing MOT garage and the redevelopment of the site for residential purposes. Although the proposal would result in the loss of a Local Employment Site, it is within a residential area and the relationship to the surrounding residential uses is such that the continued use of the site for employment purposes would be likely to result in the disturbance of surrounding occupiers. The proposal would result in more efficient use of land in a sustainable location. The proposal would include a reasonable amount of family sized units and 18% affordable housing, which is the maximum reasonable amount of affordable housing the scheme can currently deliver. The proposal would also contribute to an improved streetscape and reduce an existing problem with flooding in the area. The principle of development is therefore considered to be acceptable.

Character and Appearance: The proposal is considered to have a high quality design that has regard to the character of its surroundings and to not inappropriately challenge or dominate surrounding development including the adjacent Grade II listed building.

Standard of Accommodation: The living conditions of future occupiers of the development would be acceptable and would meet the relevant standards.

Impact on Neighbouring Amenity: The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that although there would be a material loss of light for a small number of properties that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

Parking & Servicing: It is considered that the combination of the 16 parking spaces proposed and the use of a 'parking permit free' agreement secured by legal agreement would mitigate against parking concerns in the area. It is considered that the proposal would be adequately serviced by utilising the space on St Paul's Avenue.

Representations received: Objections were received from 75 local residents raising concerns regarding heritage & design, the impact on character, parking, flooding, neighbours living conditions, consultation, impact on local services, the amount of affordable/family housing and over development of the site.

RELEVANT SITE HISTORY

17/2904 – Granted

Retrospective application for change of use from garage (former petrol filling station) to MOT garage, car washing facilities and car sales

12/0247 – Granted

Variation of condition number 2 (plan numbers) to allow the following minor material amendment:

- The inclusion of 8 parking spaces (for the use of the garage business or in association with the servicing and management of the proposed residential building only) within the proposed landscaped area at the southwest corner of the development site

to the scheme granted by full planning permission 11/0051 dated 11/04/11 for the redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to Deed of Variation dated 3 May 2012

11/0051 – Granted

Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

10/0677 – Refused and appeal dismissed

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

CONSULTATIONS

Neighbour consultation letters were issued to 481 neighbouring properties on 21/12/2017. Following the receipt of amended plans neighbour consultation letters were issued to 503 neighbouring properties on the 02/07/2018. Site notices were erected on the 04/01/2018 and again on the 02/07/2018 following the receipt of amended plans. A Press notice was issued in January 2018 and June 2016 following the receipt of amended plans. To date 75 objections and two comments in favour of the proposal have been received, details of which are set out in the tables below:

Objection	Officer Response
<u>Design and Heritage</u>	
The building is too high at either eight or seven storeys	The height of the building is considered acceptable following the reduction in height from eight to seven storeys. When considering

	the surrounding context, reduced size and visibility of the upper floor and the space between neighbouring buildings, it is considered that the proposed height is appropriate.
Impact on character	The proposal is considered to be acceptable in terms of its design and impact on character. This is detailed further below.
Choice of materials should be red brick rather than grey	The choice of materials are considered acceptable and will offer a contrast to the existing buildings. It is appropriate that the proposal does not appear to be a direct replica of the nearby listed building. Further details will be secured by condition to ensure a satisfactory appearance.
<p>The front of the building should be set back to reflect the character of the area</p> <p>The building line would project beyond the line of the neighbouring terrace</p> <p>Further landscaping should be sought</p>	<p>Revised plans have been submitted which show that the building would be set back to a level that is considered to be appropriate.</p> <p>The building line would be level with the front of the neighbouring terrace as per the revised plans that were submitted</p> <p>Further details of all landscaping works will be secured by condition</p>
Views of Kingsley Court would be blocked	Whilst it is acknowledged that some views of Kingsley Court would be obstructed from St Paul's Avenue, largely views of the building would be maintained from the south of the site. The proposal would not harm the setting of the listed building.
The building would reduce the open feel of the junction	The site is currently underutilised and the development would result in a better use of land. The impact upon views from of the surroundings and the streetscene from the public realm would not be harmful.
<u>Parking, access and refuse</u>	
The proposal would result in additional parking in the area	Future residents would not have access to parking permits in the area. This would be secured as part of a legal agreement.
Impact on traffic safety from increased cars, vehicles and pedestrians	The number of additional cars, vehicles and pedestrians are not considered to result in unsafe conditions.
Visitors and deliveries to the building would need to park somewhere	The area has CPZs that visitors coming by car could park in. Short term delivery vehicles would be able to pull up temporarily along the

	St Paul's Avenue kerbside fronting the site.
Would the basement car park be secured to avoid drug dealing and criminal activity?	The applicant has met with Design Out Crime Officers who recommended that security features such as an appropriately finished gate should be provided. This will be secured by condition.
There is no mention of refuse collection	The applicant has submitted an Outline Waste Management Strategy
The pavement at the corner is dangerous and should be widened	The corner does not form part of the application site.
The bike stand at the corner would cause an obstruction to pedestrians	Based on the size and location of the bike stand it is not considered that it would unsafely obstruct pedestrians
<u>Flooding</u>	
The area is already prone to flooding	Officers have assessed the flood risk in the area and are satisfied that it would be acceptable. Please see paragraphs 54 to 57 of the report for a more detailed assessment
There is already a lack of sewer capacity in the area	Officers have assessed the flood risk in the area and are satisfied that it would be acceptable. Please see paragraphs 54 to 57 of the report for a more detailed assessment
<u>Neighbours living conditions</u>	
Loss of light	Whilst it is acknowledged that there would be a loss of light and in some cases a material loss of light, it is considered to be acceptable based on the specific circumstances of each individual unit that would be affected. More detailed commentary can be found in paragraphs 24 to 30
Loss of privacy	Overlooking would be prevented from windows on the side elevation by angled windows and from the rooftop amenity spaces by privacy screens and planting. Overlooking to residential buildings would be over 20 metres between habitable rooms which is considered to be an acceptable distance.
Loss of outlook	Although there would be an increase in mass the building would be within acceptable limits as per the guidance in SPG17
Increased noise	Although there would be an increase in activity in comparison to the existing use on site the proposal is for a residential development within a residential area. The proposed land use is therefore considered to be more compatible

	<p>with the existing surrounding residential uses. There have also been noise complaints received about the current MOT and car wash from local residents. Reasonable use of a flatted development would not be considered to result in any significant noise and disturbance.</p> <p>Conditions concerning plant and any potential noise from the equipment would be conditioned to ensure that they are within acceptable limits.</p> <p>Concerns have been raised about potential noise from the roof terraces. Noise from the terraces is not considered to be excessive in this urban, residential area. Noise complaints can be dealt with by the Council's Environmental Health department.</p>
Disturbance during build time	This is not a planning consideration because a level of disturbance must be accepted with most developments and excessive noise or disturbance is covered under environmental legislation. However informatives will be added to remind the applicant of their responsibilities during construction works.
Impact on clean air	The site is located within an Air Quality Management area and an air quality assessment was submitted with the application. This is discussed further within paragraphs 53-54 below.
Structural damage from piling and the basement	Structural damage is not a planning consideration as it is covered under the Party Wall Act and the Building Regulations. Informatives will be added to remind the applicant of their responsibilities.
The proposal would result in rodents	The applicant has proposed a Waste Management Strategy and bins would be stored in the basement
<u>Consultation</u>	
The consultation period should be extended	The original neighbour consultation letters were issued in December 2017. However due to the Christmas break the site notice and press notice were not issued until January. Therefore residents had additional time to submit any comments or concerns.
Neighbours not consulted during community consultation prior to submission	<p>A statement of community involvement has been submitted which states that two public consultation events were held prior to submission and that flyers were issued to neighbouring properties. In addition to this the</p> <p>Page 60</p>

	location and staging of the event were advertised in the local paper.
<u>Impact on local services</u>	
Impact on schools, nurseries, doctors and hospitals	Whilst it is acknowledged that there would be an increased number of residents living in the area the proposal is located close to a town centre that has a good range of services available. Planning policy also supports the creation of new homes. The proposal would also be CIL liable and therefore funds could be used to improve facilities in the area.
Payment should be to improve pavements and roads in the area and also a community fund.	Such payments are not required in order to ensure that the scheme complies with adopted policy. However, the proposal would be CIL liable and funds could potentially be used to improve roads and pavements within the area
<u>Original land use</u>	
The original use of the land was for a petrol station and garage. Concerns have been raised about safety guidelines. Measures should be put in place to prevent escape of contaminated soil.	Environmental Health officers have recommended a condition requiring concerning site investigations and remediation and verification to ensure that safety guidelines are met.
<u>Affordable/Family Housing</u>	
There will be no social housing just affordable housing The proposal does not include enough family sized housing There are too many one bedroomed units The planned development is aimed at the more affluent purchaser	Nine or 18.6% of the units would be provide Affordable Rented accommodation in line with adopted policy. The proposal would consist of 17% family sized housing. Although this is not policy compliant it is considered to be a reasonable offer for this site based on its constraints. The maximum reasonable amount of affordable housing would be provided
<u>Density</u>	
Too high density	The proposed level of density can be supported. Please see paragraphs 15 to 18 for more detailed commentary
<u>Other</u>	
The site should be used as a communal garden and tennis courts	Planning policy supports the building of new housing. Gladstone park, which is located 650m to the north of the site, contains tennis

<p>as none are available in the area.</p> <p>The proposed amenity space at the rear of the site would not be accessible to local people</p> <p>It is not clear what the amenity spaces are for</p> <p>The communal areas will lead to loitering and unsavoury behaviour</p> <p>Children's play space should be incorporated into the rear of the site</p>	<p>courts and large areas of open space.</p> <p>The amenity spaces are proposed for use by the residents of the building</p> <p>Children's play space is proposed at the rear of the site</p>
<p>The ground floor should be occupied by coffee shop or exhibition space.</p>	<p>There is no policy requirement to include a retail use or exhibition space. Willesden Town Centre is also located 230 metres away.</p>
<p>The proposal would result in the loss of greenery and trees</p>	<p>The site is completely covered in hard standing and there are no street trees present adjacent to the site</p>
<p>There is already an issue with fly tipping in the area</p>	<p>This is not a planning consideration and should be reported to the Council's Environmental Health Department</p>

Support comments
A little bit of extra traffic shouldn't really amount to opposition to more housing
The current site is bordering on a wasteland which detracts from the streetscape

Ward Councillors were notified on the 04/01/2018 and 02/07/2018. To date one representation has been received from Cllr Jones who has raised concerns with the points below. These concerns have been acknowledged and addressed in the table above and in the report.

- The proposal should be considered in terms of its impact on Kingsley Court and Park Mansions
- Object to the height, density and impact on the Mansion blocks
- Eight storeys is too high
- The development is not set back enough
- Limited parking
- Overlooking and overshadowing
- Pollution

- Impact on services
- Inadequate information on affordability

These concerns have been acknowledged and addressed in the table above and in the report.

External Consultation

The Willesden Green Town Team were notified and have objected on the grounds set out below. These concerns have been acknowledged and addressed in the table above and in the report.

- The height of the eight storey building
- Overlooking
- Loss of sunlight and daylight
- The grey façade and lack of red brick
- Improvements to landscaping are needed
- Strain on local infrastructure
- Parking permits should not be granted to new residents

Thames Water – no objections subject to conditions and informatives

Network Rail – have raised concerns about the proximity of the development and the railway line and have recommended a number of conditions and informatives

London Underground – no objections subject to recommended conditions

Internal Consultation

Affordable Housing – No objections

Design & Heritage – No objections

Environmental Health – No objections

Flooding – No objections

Landscape and Design – No objections

Recycling and Waste – No objections

Sustainability – No objections

Transport & Highways – No objections

POLICY CONSIDERATIONS

National Planning Policy Framework 2018

London Plan consolidated with alterations since 2011 (March 2016)

Brent Core Strategy (2010)

DETAILED CONSIDERATIONS

Background and Context

1. As outlined in the 'History' section of the report there have been two significant applications submitted for the site since 2010. Application 10/0677 for 20 residential units was recommended to be refused by the Local Planning Authority (LPA) and then refused at planning committee for reasons concerning design, pedestrian/highway safety, amenity/play space, parking, neighbouring amenity, sustainable development and noise disturbance from the existing garage. The application was subsequently dismissed at appeal based on design, pedestrian/highway safety and noise. Application 11/0051 for ten units was recommended for approval by officers and approved at planning committee. The current application is materially different to the two previous applications in terms of the actual part of the site where development is proposed, the number of units proposed and the design approach taken. Therefore whilst consideration has been given to the appeal decision and the Inspectors findings it has had little outcome on the current application due to the significant and material differences between both proposals.

Amendments since submission

2. A number of amended reports were received including an updated Daylight/Sunlight report due to a number of inaccuracies that were included in the original report. When the proposal was first submitted concerns were raised by officers about the height of the building at eight storeys and its potential impact on the listed building to the west of the site. Concerns were also raised about the overall design of the building including the lack of a set back at street level and the corner of the four storey element at the front of the building. Concerns were also raised about the quality and quantity of the communal amenity space at ground floor level which included areas that would not have been useable. Concerns were also raised about the layout of a number of flats due to the fact that they a significant number would have been single aspect. Concerns were also raised about the increased massing of the four storey building on the eastern boundary of the site and the potential impact on the amenity of residents in No.75 and 75A St Pauls Avenue through loss of light and an increased sense of enclosure.

3. The following is a list of amendments that have been received through the submission of revised plans since the application was originally submitted:

- Reduction from eight to seven storey building
- Reduction from 81 to 70 residential units
- Reduction in size of four storey building at the rear and alterations to the design of the front of the building
- Building has been set back at street level
- Creation of a third floor amenity space area on the four storey building and alterations to ground floor level amenity space to the rear of the site
- Changes to internal layouts of residential units due to concerns with single aspect units
- Revised Daylight/Sunlight report due to errors in the original report

Principle

Land use

4. The lawful use of the site was previously a petrol filling station which has been demolished and a garage that was in use as an MOT centre. The site is currently in use as an MOT centre, a car wash and car park used for the storage of vehicles for sale following a recent retrospective application to change the use of the site. The site is considered to be a Local Employment Site and as such DMP14 – Employment Sites is relevant. In order to justify the loss of the existing garage it would have to be demonstrated that the continued wholly employment use is unviable or that there would be significant benefits consistent with the wider objectives of the Development Plan. In this case it has not been demonstrated that the continued employment use is unviable therefore consideration has been given to the existing employment use on site, the context of the site within an existing residential area and the proposal to include 70 residential units.

5. Paragraph 118 of the NPPF (2018) sets out a number of core principles regarding the effective use of land including that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 118 also states that planning policies and decisions should promote and support the development of underutilised land, especially if this would help to meet identified needs for housing. The application site is located on a previously developed brownfield site and is in a sustainable location. The level of employment currently provided on site is quite low and it is difficult to see how a site that is effectively surrounded on all sides with the exception of the railway track to the north could support larger scale employment uses without creating more disturbance for local residents. The Brent Nuisance Control Team has confirmed that complaints have been received about noise coming from the existing uses on site. Therefore although there would be a loss of an employment site the redevelopment of the site for residential purposes is supported in principle due to the fact that the proposed residential land use would be more suitable in this location and would make more efficient use of land whilst contributing 70 residential units to the boroughs housing stock. Significant weight can also be given to the planning merit of providing new homes, including the provision of affordable homes and to making more efficient use of the land by providing these homes at a reasonably high density.

6. The proposal is therefore considered to be acceptable in principle subject to the other relevant material planning considerations set out in this report.

Unit Mix and Affordable Housing

7. On schemes of over 10 units Objective 7 of the Core Strategy (2010) as well policies CP2 and CP21 requires the provision of family sized homes, with a borough-wide target of 25% family sized units. The scheme would provide 19% family sized units (13 x 3-bedroom homes) which falls below the 25% target. However in this case consideration has been given to the balance between the provision of family sized homes and the provision of Affordable Housing, as the sales values for 3-bedroom homes is less (per square foot / metre) than for smaller homes and this has a negative effect on scheme viability. On balance the unit mix proposed is considered to be acceptable.

8. London Plan Policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing when negotiating on private and mixed use developments, having regard to a number of factors, including development viability. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable. Development Management Policy DMP 15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing. It goes on to say that where a reduction to affordable housing obligations is sought on economic viability grounds on major phased developments, and where the proportion of affordable housing agreed is significantly below 50% appropriate provisions to re-appraise scheme viability will be sought and secured by s106 agreement.

9. Healey Development Solutions originally proposed an 81 unit scheme with 23 affordable units. This equated to 28% affordable housing provision of which 74% was intermediate tenure and only 26% as affordable rented tenure. The applicant submitted a Financial Viability Appraisal (FVA) drawn up by Redloft to demonstrate that the proposal actually put the scheme into a financial deficit and therefore this affordable housing offer represented more than the maximum reasonable and viable amount the scheme could deliver, in line with planning policy. The FVA assumed a Benchmark Land Value (BLV) of £5 million based on an alternative use value (AUV) as a free school (the BLV was calculated by Frost Meadowcroft). Redloft put the BLV into the appraisal as a fixed cost and set a target/benchmark residual profit of circa 8.3m equating to 20% on Gross Development Value (GDV). The total residual profit for the proposed scheme came out as circa £5.1m which equates to 12.32% of GDV, which falls below significantly below the target showing the

scheme to be financially unviable.

10. Officers appointed BPS Chartered Surveyors to carry out an independent review of the FVA and they produced their own assessment in March 2018. BPS disagreed with some assumptions that were used within the FVA appraisals, in particular the BLV. BPS stated that an AUV approach to measuring the BLV was not appropriate in this case and it would require a change of use consent from Sui Generis to D1. BPS calculated the BLV on an existing use value (EUV) basis as industrial/storage uses and lowered the BLV to circa £2.1m. BPS' revised appraisal showed that the proposed scheme had a surplus of £1.4m. A sensitivity test also showed that the same total affordable housing provision on a policy compliant tenure split would also be viable albeit with a very small surplus.

11. Officers had shown concern with the proposed tenure split of the affordable housing provision which was weighted heavily towards intermediate tenure and not in line with Brent's Policy DMP15 ratio of affordable rent to intermediate of 70/30. In light of BPS' analysis showing the proposed scheme was in a surplus Officers noted that the applicant should consider a policy compliant tenure split whilst seeking to maintain the overall affordable housing numbers. Redloft provided a written response to the BPS report on 23rd March 2018. This response acknowledged multiple points of agreement but contested others including BPS' approach to calculating the BLV and Redloft maintained their position on this matter. It is important to note that at this stage the Planning Team had informed the applicant that they would need to revise the scheme to address multiple issues including height and mass otherwise the scheme would be refused. BPS responded via email on the 11th April 2018. Some further points were agreed such as build costs and professional fees, however BPS maintained their position on the BLV and identified the proposed scheme was in a surplus of circa £1.1m and could deliver an improved affordable housing offer. BPS and Redloft contacted each other via conference call on the 18th and 19th April 2018 to attempt to agree on the BLV although nothing was agreed. Both consultants continued to negotiate via email until early May but no further agreement was made and negotiations were put on hold until the updated FVA for the revised scheme was submitted.

12. Redloft submitted the new FVA for the revised scheme in June 2018. The revised proposal is for a total of 70 residential units with an affordable housing provision of 18.6%. Total affordable provision consists of 9 affordable rented units and 4 intermediate. This equates to a 69/31 tenure split and is very near policy compliant. For the revised FVA Redloft adopted a reduced BLV (again, provided by Frost Meadowcroft) on a EUV basis which equated to circa £3.01m. Redloft also adopted a reduced target/benchmark profit of £6.13m which equates to 17.5% of GDV. The revised appraisal produced a residual profit of £3.43m which equates to 9.95%. The residual profit falls below the target and therefore shows the latest proposal to be unviable. It is important to stress that an overall reduction in residential floorspace (which is a requirement set by the Council) will reduce viability of the scheme and the revised scheme provides circa 15% less overall residential units than the original proposal. This factor combined with the shift to a policy compliant tenure split of the affordable units will inevitably have a negative impact on viability. Officers re-appointed BPS to review the revised FVA. BPS still did not agree with the BLV used in Red loft's appraisal and maintained their own value for the site. However, the BPS appraisal showed that the scheme hit a residual profit of 16.32% which still falls just below the 17.5% target. While BPS still disagreed with certain assumptions in Redloft's appraisal, BPS still concluded that the offer in the revised scheme represented the maximum reasonable amount of affordable housing the revised scheme can viably offer.

13. The current offer of 18.6% affordable housing falls below the 50% Local Plan target. However, the Council's own consultants agree that this is the maximum reasonable amount of affordable housing the scheme can viably deliver at this time. The applicant has shifted the tenure split of the affordable housing provision to be policy compliant, reduced their target residual profit level in an attempt to improve viability and they have agreed to have a post-implementation review mechanism secured into the s106 agreement.

14. The following represents the agreed affordable housing position:

	Private	Affordable Rent	Intermediate	Total
1-bed	28	5	2	35
2-bed	19	2	1	22
3-bed	10	2	1	13
Total	57	9	4	

Density

15. The proposal makes efficient use of this land to provide a significant contribution to Brent's annual

housing target of 1,525 homes. The draft London Plan has also increased this target to 2,900 homes per year.

16. London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is considered to be in an 'Urban' setting, with a PTAL of 3 would be appropriate for accommodating 45 to 170 units per hectare. Paragraph 17 of the NPPF sets out 'core planning principles', including that planning should "encourage the effective use of land by reusing land that has been developed previously, provided that it is not of high environmental value".

17. The proposed scheme would result in a level of density above the matrix range as development is proposed to be 304.3 units per hectare. However the London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play.

18. The location of the site with immediate boundaries defined by the railway line to the rear and intersection of St Pauls Avenue and Park Avenue and the varied existing wider context and character of different buildings and uses locally, together with the close proximity to transport infrastructure (Willesden Green Underground station, 450m and several bus routes 550m, both within walking distance). The quality of the proposed design how this would contribute to a sense of place is also an important determining factor when considering residential density. This 'urban' site is within 250metres walking distance of Willesden Town centre and is also on the edge of a PTAL 4 area. For these reasons the proposed level of density can be supported.

Heritage and Design

19. Kingsley Court is a Grade II listed building from the 1930s located to the west of the site. The area also contains some attractive Victorian buildings, most notably Avenue Mansions which is a mansion block located across the road and to the south-west of the site. The site itself consists of a modern building and large areas of open space that are currently used to store vehicles that are for sale. The site is located at a crossroads with examples of architecture from different eras. From a design perspective the applicant has sought to utilise a modern approach on a mansion block whilst also acknowledging that there is a reduction in height to the east in the form of the Victorian terraces leading towards Willesden High Street. Previously officers raised concerns with the height of the building at eight storeys and the potential for it to dominate and compete with the listed building, Kingsley Court, to the west. The applicant has therefore sought to address these concerns by lowering the height of the building by one storey and setting the building back from the street which reflects the setback seen in the other sites adjacent to the application site. The building would then step down to four storeys and the building line has been reduced to be level with that of the terrace to the east. The applicant has submitted a Heritage and Townscape report in support of the application.

20. Concerns have been raised by local residents about the overall design approach that has been taken with the proposal. Concerns have also been raised about the height despite the fact that the building has been reduced by one storey. However the design would be a modern take on the mansion blocks that can be seen in the area. The use of banding is also a nod to the listed building to the west. When analysing the design consideration has been given to the site context and the applications site location at a cross roads. The existing buildings represent structures from different eras including the Victorian era and 1930s. A number of residents have stated that the proposed design should more closely reflect the existing red brick buildings to the south of the site whilst a number of other residents have stated that the design should reflect the listed building to the west. However often a pastiche of designs based on existing styles would appear more harmful and rather than compliment with the listed building and other mansion blocks in the area, it could potentially compete with them and appear overbearing. Concerns have also been raised about the lack of landscaping and garden space at the front of the building. However the building would be set back by over 3 metres to accommodate front gardens. Again this is a reflection of the space that is afforded to the existing buildings and would allow the creation of usable space for residents. Further details of the landscaping will be secured by condition to ensure a satisfactory finish.

21. DMP7 states that proposals should have special regard to the desirability of preserving a heritage asset or its setting and that special regard should be given to detailed design, prominent elevations and the nature,

quality and type of materials used. In this case Kingsley Court has an existing height of six storeys and a unique design that incorporates banding and curved elements. The proposal has been reduced to six storeys with the seventh storey set back so that it will not be visible from street level. With the reduction in height it is now considered that the scale of the building would be acceptable in this location and rather than dominate the neighbouring listed building it would complement it in terms of its height. The four storey part of the building would also acknowledge that there is a reduction in height to the east in the form of the terraced properties and would offer a good set down in terms of height.

22. The design approach taken is a modern take on the existing mansion blocks in the area. The buildings would be well set back to allow space in front of the building. There are also some slight references to the listed building such as the curved elements on the façade and the use of banding. These are considered to be complementary in design and would not compete with the existing listed building. DMP1 states that development will be acceptable provided it is of a location, siting, layout, scale, density, materials, detailing and design that complements the locality. Overall it is considered that the design approach taken and height of the buildings is considered to be acceptable and would not harm the character or appearance of the area or the setting of the listed building to the west. The building would be well designed and would provide a significant improvement on the existing site whilst also contributing to a better sense of place.

Neighbouring Amenity

23. The proposal would not materially harm the amenity of neighbouring residents.

Daylight, sunlight and overshadowing assessment

24. Concerns were raised with the original Daylight/Sunlight report due to inaccuracies with its content and specifically with the assumed layout of Nos.75 and 75A St Pauls Avenue. The applicant has therefore conducted an internal review of both of those properties and also produced a revised report. Concerns have also been raised by a resident following re-consultation of neighbours regarding the revised report. These concerns are based on the

25. Nos.75 and 75A are the properties that are most likely to be affected by loss of light due to their proximity to the application site and also because of the properties unique layout. The upstairs property was visited by officers to confirm the layout which was also confirmed by means of a drawing supplied by the residents living there. The property consists of a number of windows located on the side elevation that overlook the application site due to its siting on the end of a terrace. There is also an area of amenity space to the side and a garden to the rear that both flats have access to.

26. The ground floor flat (No.75) consists of three large bedrooms, a kitchen, living room and bathroom. None of the rooms currently used as bedrooms directly overlook the application site as one is at the front of the property overlooking St Pauls Avenue, one is at the rear overlooking the rear garden and one looks towards the rear of the garden via a side window. The report also demonstrates that the proportion of Vertical Sky Component (VSC) that would be retained is above the amount recommended in BRE guidance. The windows of rooms currently used as a kitchen and living room do face the application site. The kitchen would only retain 40 % of its former VSC value which is below the recommended amount of 80 % and therefore considered material. The kitchen is relatively small (approximately 9 sqm). Daylight to the kitchen is also affected by the existing overhanging stairs of No. 75A, and the kitchen would receive much higher absolute levels of daylight if these stairs were not present (an absolute level of 20 % VSC, compared to a BRE target of 27 %). The room currently used as a living room (also quite small at less than 9 sqm) would also only retain 50 % of the former VSC which again is below the recommended target of 80 % and again considered material. The applicant contends that the original use of this room is likely to be as a bedroom, which may well have the case due to its size. However, it is noted that the current occupiers of the flat (which is occupied as a shared dwelling) use it as a living room. The proposal would reduce the Average Daylight Factor (ADF) to 1.0% which is below the target of 1.5 % for a living room set out in BRE guidance, but would meet the target level for a bedroom. However, when balancing the impacts and benefits of the scheme, it is noted that the flat has large bedrooms that are significantly larger than both the kitchen and living room, with good outlook in other directions and a shared garden space.

27. No.75A is located in the upper floor of the property and consists of a living area that overlooks the rear of the property towards the railway line, a kitchen, bathroom and small bedroom that overlook the application site, a study that looks towards the railway line over the side amenity space and a front main bedroom that overlooks the front of the property over St Pauls Avenue. Similar to the downstairs flat the kitchen is small (9 sqm). However it was noted during the site visit that the room did contain a table and chairs. The Daylight/Sunlight report concludes that the absolute value of VSC for the kitchen would fall marginally below BRE guidance targets (25 % compared to a target of 27 %), but that the ADF value for the room would exceed the BRE target. As such, daylight within this room accords with BRE targets. The assessment shows that the bedroom which faces the site would have an absolute VSC level of 19 % (below the target of 27 %), but again, the ADF value complies with BRE guidance levels. As such, the level of impact on No. 75A accords with BRE guidance.

28. The report has also carried out an analysis of the other residential properties in the area including the other units in St Pauls Avenue, Kingsley Court, Ady's Lawn and Avenue Mansions. The report has concluded that with regard to VSC although there would be small number of windows (11%, or 12 of 177 windows) in Kingsley Court that would fall below the target level of 80 % of the former value (of VSC). Two of those windows would achieve an absolute value of 27 % VSC and would accord with the standards. Of those that don't meet the standards, five are within rooms that are served by more than one window, with other windows in that room meeting the standards. Where the associated rooms are only served by one window, the assessment shows that the windows achieve VSC levels in excess of 22 % (whereby the BRE target is 27 % but the BRE guidance references a level of 18 % as more typical of an urban location. The five relevant windows would have VSC levels of 22.8 to 26.7. The report shows that two windows within Adys Lawn and two windows within Avenue Mansions would experience a reduction to less than 80 % of their former value (of VSC). However, the associated rooms are also served by windows that will continue to accord with BRE guidance. With regard to sunlight the primary living room windows of Kingsley Court are within 90 degrees of due south and as such would not be affected by the proposal. Ady's Lawn located to the south-west of the site would have full compliance with BRE targets with VSC levels remaining at or within 80 % of their former values. Again the windows of this property are within 90 degrees of due south do not face the application site and as such would not be affected by the proposal in terms of loss of sunlight. Avenue Mansions located to the south of the site would only have two individual panes of bay windows that fall just outside the 80 % target (of the former value). However as the bays have multiple aspects daylight would enter from a variety of positions and therefore it is considered acceptable. Again as the windows of this property are within 90 degrees of due south do not face the application site and as such would not be affected by the proposal in terms of loss of sunlight.

29. Concerns have been raised by a resident that direct sunlight levels to windows in Kingsley Court have not been assessed. However as the windows are outside of 90 degrees of due south these windows have limited potential to enjoy direct sunlight and the BRE guidance specifies that such windows should not be tested. This is why the BRE guidance does not consider the effects to such windows as they are primarily limited by their orientation and therefore do not provide an appropriate metric for an assessment. The resident has also raised concerns with the use of APSH however this is standard that is normally used in conjunction with other assessments in assessing Daylight and Sunlight.

30. Although there would be a material loss of light to a small number of properties, and specifically Nos.75 and 75A, based on the reasons set out above it is considered to be acceptable in this case.

Additional mass and overlooking

31. Previously concerns were raised about the potential sense of enclosure that residents in the adjacent site and in particular No.75 and 75A St Pauls Avenue would face. This property is split into two flats with one on the ground floor and one on the first floor of the building. Due to the properties location on the end of the terrace there are windows in the side elevation that overlook the application site. There is also an area of amenity space that runs adjacent to the application site and two storey outrigger.

32. The concerns with the original proposal were primarily due to the proximity of the four storey building to the residents of No.75s side/rear amenity space and the location of habitable windows in the side elevation.

The applicant has therefore reduced the massing of the building and taken into account the 30 and 45 degree line guidance contained within SPG17. Revised drawings, including sections, now show that the proposed four storey element would be within both the 30 and 45 degree lines when measured at a height of 2 metres from the neighbours windows and amenity space respectively. It is now considered that due to the reductions in mass that the proposal four storey element would not result in material harm the neighbouring residents. There would be a slight failure of the 30 degree line from the windows of the side elevation of No.75 St Paul's Avenue when taking into account the seven storey part of the building. However this part of the development would be located 24 metres from the windows in No.75 and 75A and is therefore considered to be a sufficient distance away in terms of the additional mass.

33. Windows proposed in the side elevation would also be angled to prevent any overlooking. The roof terraces that would provide amenity space for future residents could have the potential to result in overlooking however the applicant has proposed privacy measures and set back the area that residents could physically use. Further details of these measures will be secured by condition to ensure that overlooking does not take place. Consideration has also been given to the potential for overlooking to the other existing residential properties to the west and south of the site. However a minimum distance of 20 metres would be maintained to the properties in Kingsley Court to the west and 25 metres to the properties to the south which is considered to be acceptable.

Impact on local services

34. A number of residents have raised concerns with the potential impact on local services such as schools, nurseries, doctors and hospitals. Whilst it is acknowledged that there would be an increased number of residents living in the area the proposal is located close to a town centre that has a good range of services available. Planning policy also supports the creation of new homes and the proposal would be CIL liable. Therefore funds from the development could be used to improve facilities in the area.

Proximity of vehicular ramp to neighbouring residents

35. Two neighbouring residents have raised concerns with the proximity of the ramp and the potential for noise disturbance from vehicles, bin transport and plant. Whilst it is acknowledged that there would be an increase in activity in the form of vehicles accessing the basement level there are only spaces for 16 cars. This is not considered to be overly excessive in comparison to the existing situation on St Paul's Avenue and any noise would be intermittent and last for a very short period of time. The ramp would also be covered with a green roof and further details of sound insulation and the internal acoustic design of the car park can be secured by condition which is recommended in the applicant's Noise Impact Assessment. Further details of all plant would also be secured by condition to ensure that any noise emissions are at acceptable levels. The applicant has submitted an Outline Waste Management Strategy in support of their application. This outlines procedures for collecting waste from the site which are proposed to be done at a specific time and day in conjunction with Brent's Collection Service. Based on the fact that collection times would be limited to a specific time and day and in reality would be carried out over a short period of time it is not considered that this would be materially harmful to neighbouring residents.

Other

36. A number of residents have raised concerns with potential disturbance during construction works. Disturbance from construction works is not a planning consideration as it is covered under environmental legislation. However a number of informatives concerning the hours of construction works, licences, vibration, air quality and a Construction Management Plan are recommended to remind the applicant of their responsibilities in terms of minimising disturbance to neighbouring residential properties.

37. Overall it is considered that the proposal would not materially harm the amenity of neighbouring residents and is considered acceptable.

Standard of accommodation

38. DMP18 requires all new residential accommodation to comply with London Plan policy 3.5 minimum

standards. All of the units proposed either meet or exceed minimum internal space standards.

39. DMP19 sets a target for all new residential units to provide residents with private amenity space with 20 sqm per flat and 50 sqm per family size unit where possible. However DMP19 also recognises that where sufficient private amenity space cannot be achieved to meet the full requirement that the remainder can be supplied in the form of communal amenity space. In this case there are a number of units that do not meet the required amount of 20 and 50 sqm. The total amount of communal space proposed is 633sqm which consists of the ground floor and roof terraces at third and fourth floor levels which works out as 9 sqm per flat when divided by the total number of units (70). 998 sqm of private amenity space is also proposed in the form of balconies and terraces, with the total amount of amenity space equalling 1,631 sqm, equating to an average of 23 sqm per unit. While this is only slightly below the DMP19 target of 1,790 sqm based on the mix of units, this is not equally distributed between units. Nevertheless, residents would still have adequate outdoor space and every unit would meet the minimum space standards for private space as per the Mayor of London's Housing SPG and the draft London Plan. The site is also located 650metres from Gladstone Park which consists of large open areas of space and sports facilities. Therefore on balance although the amount of actual private amenity space is not completely policy compliant, consideration has been given to the overall standard of accommodation that would be afforded to residents, the mixture of private and communal space and the proximity of a large park.

40. All units would be well served by windows offering good levels of outlook. The majority of the units on the southern and western side of the site would however be single aspect. There are no concerns with access to daylight or sunlight due to the orientation however this could potentially result in overheating. The applicant has submitted an overheating assessment which has identified that only units 02.GF, 08.Gf and 05 are likely to fail the TM59 compliance due to the fact that they would be south facing and single aspect. However this could be mitigated against with larger openable windows, improving the building fabric or by using CHP and boiler. Based on this a condition is recommended requiring further details of mitigation measures for these three units to ensure that overheating does not take place.

41. All units would provide an acceptable standard of accommodation for future residents.

Play space

42. The proposal would incorporate a children's play space with an area of 112sqm in the rear communal amenity space area at ground floor level which is required by London Plan policy 3.6. The amount of play space required is normally determined by expected child yield population. The applicant has provided information on the expected number of children that will reside in the development which equates to seven under the age of five, four between the ages of 5 to 11 and two from ages 12+, giving a total of 13. Based on policy 3.6 and when applying the SPG assessment calculator the amount of play space that would normally be required is 130sqm based on 10sqm per child. The amount of play space proposed is below the required amount and the designated area would form part of the communal amenity space. However consideration has been given to the fact that it would be difficult to achieve the maximum required amount of space due to the site's constraints and also without reducing the amount of communal space available to other residents. Consideration has also been given to the site's proximity to Gladstone Park which is located within walking distance of the site (650metres) and consists of a variety of sports and play equipment. Therefore although there would be a slight shortfall in the amount of actual play space within the site it is considered that it is acceptable in this case. Further details of the play equipment proposed will be secured through condition.

Parking, access and refuse

Parking -

43. The higher residential car parking standards apply, so the 70 flats have a maximum parking standard of 76.5 parking spaces. The proposed provision of 16 spaces remains well within the maximum allowance, so the levels of parking are not excessive. However, consideration must be given to the potential for over-spill parking, particularly where parking levels are low. To address this, a 'parking permit restriction' agreement to remove rights of future residents to on-street parking permits will be secured through a legal agreement to ensure overspill parking does not add to on-street parking demand in the area, along with subsidised membership of existing local Car Clubs for new residents through the Travel Plan. Residents have raised concerns with overspill parking in the area however the removal of future residents' rights to permits, the proximity of public transport and membership of a local car club will prevent overspill parking in the area. The number of disabled parking spaces has been reduced to seven from the original submission, which still

meets the current London Plan requirement of a space for 10% of the flats, so is sufficient. At least six of the spaces should also be provided with electric vehicle charging points (3 active/3 passive). This is recommended to be secured through condition.

44. With regard to cycle storage the reduction in the number of flats from 81 to 70 reduces the long-term bicycle storage requirement to 105 spaces, plus two short-term spaces. The number of spaces in the basement has thus been reduced to 107, again meeting requirements in a secure and sheltered location with access via both the car park access ramp and a lift. Six bicycle stands are again proposed on the wide area of footway fronting the site to more than meet short-term parking requirements. These will again need to be funded by the applicant alongside the crossover works and further enhancements to this wide area of footway such as benches and planting.

Access

45. The vehicular access arrangements remain unaltered from the original proposal and include a single-width ramp with a traffic signal/barrier system. A passing area is proposed between the start of the ramp and the highway boundary which is considered to be acceptable from a highway safety perspective. However a number of residents have raised concerns with security and whether the access will be secured. This was also raised by the Designing Out Crime Officer and therefore a condition requiring the submission of further details of the access is recommended. The existing crossover to St. Paul's Avenue would need to be repositioned eastwards to suit the new access arrangements, with the redundant crossover onto Park Avenue needing to be removed. These works are recommended to be secured by legal agreement as well as improvements to planting, street furniture and the bicycle stands. The proposed ramp also meets safety standards in terms of its gradient.

46. A number of residents have raised concerns with the basement access and the potential for it to attract criminal activity. The applicant has met with Design out Crime Officers who have recommended that security features such as an appropriately finished gate should be provided. This is recommended to be secured by condition to ensure that access is controlled.

Refuse and delivery vehicles

47. The two proposed bin stores in the basement now show a reduced total of 14 Eurobins and seven wheeled bins, which provides adequate capacity for the reduced total of 70 flats. A standing area at the front of the site for collection day storage will allow easy access by Brent's refuse contractors from St. Paul's Avenue without refuse vehicles needing to enter the site. Similarly, other short term delivery vehicles and emergency vehicles can service the site from the adjoining kerbsides on St Paul's Avenue.

Impact on local transport network

48. Transport & Highways officers have assessed the potential impact on the local transport network due to the potential increased number of users in the area. As the number of flats has been reduced from the original proposal of 81 flats to 70 flats, the impact of the proposal on local transport networks would also reduce. There is therefore no need to revise the original Transport Statement submitted with the application, as it has already demonstrated that the impact of the development on the local transport networks would be acceptable. Concerns have been raised by local residents about the increased number of vehicles, bicycles and pedestrians in the area. An analysis of the accident record in the area for the three-year period December 2013-December 2016 showed only one personal injury accident in the close vicinity of the site, which was somewhat random in its nature as it involved goods falling from a vehicle and striking a pedestrian. As such, there are no concerns with regard to road safety related to this development proposal.

Travel Plan

49. A Framework Travel Plan was originally submitted in support of the applicant. This proposes that a named Travel Plan Co-ordinator will manage a series of measures (supply of travel information, personalised travel planning, management of car parking, car club membership subsidies etc.) to aim to reduce the proportion of car driver trips to and from the site from 19% to 13%, with progress to be monitored using

biennial surveys undertaken in line with the TRICS survey methodology. No update to the previously submitted Framework Travel Plan has been provided with the revised proposal therefore a revised Travel Plan needs to be approved prior to first occupation through the S106 Agreement.

Energy and Sustainability

50. London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. As outlined in the Housing SPG from 1 of October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent (carbon neutral), are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).

51. A resident has raised concerns with the amount of CO₂ that could potentially be emitted. However the Energy and Sustainability Statement submitted in support of the application indicates that the development meets the London Plan requirement of at least a 35% reduction in emissions against Part L 2013 (with the remaining emissions offset with a proposed Carbon Offset Payment of £82,890) and therefore complies with Brent's energy reduction policies.

Proximity to railway line

52. The application site is located in close proximity to the railway line which runs along the northern edge of the site. Due to the scale of development and proximity of the railway line both Network Rail and London Underground were formally consulted. Whilst neither have objected in principle to the proposal both have recommended conditions concerning the submission of further details of design, construction methods, piling and excavation due to the potential impact on the embankment and railway line.

Environment

Air Quality

53. The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by Capita on behalf of WYG has been submitted considering the potential air quality impacts associated with the proposed construction and future operation of the site. The report shows that construction works would give rise to a low to medium risk to air quality through dust impacts. The report recommends measures to mitigate dust emissions during construction phase and securing these by condition. It is found that additional traffic from the development would not significantly affect local air quality.

54. The Council's Environmental Health officer concurs with the methodology of the assessment. However they have recommended that there is not enough specific information on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral. Therefore more specific quantitative mitigation measures are required by the applicant which can be secured by condition. This is considered to be reasonable due to the fact that London Plan policy 7.14 states that major developments should be at least air quality neutral.

Noise

55. London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. The site is located adjacent to a railway line that has the potential to transmit noise to the proposed residential properties. A Noise Impact Assessment has been undertaken and supports the application which has been assessed by Environmental Health officers. The officers have found that the report by Capita dated 1 December 2017 comprehensively demonstrates that the site is suitable for residential development in relation to environmental noise and vibration. Satisfactory mitigation measures are outlined in the document and potential residents inhabiting the building should be protected from excessive environmental noise if this design specification is correctly adhered to. The contents of the report and mitigation measures are there recommended to be condition to ensure that residents are not exposed to unacceptable noise levels.

Flood risk and drainage

56. London plan policy 5.12 requires developments to comply with flood risk assessment and management requirements set out in the NPPF. The site was previously identified by the Environment Agency as Flood Zone 1. However the West London Strategic Flood Risk Assessment that was recently commissioned by

Brent and five other neighbouring boroughs shows that the site is located within Flood zone 3A (surface water) and therefore the Exception Test is required. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is at low risk of tidal or fluvial flooding however flood risk from surface water has historically been a problem in the area and there are also historical problems with waste water. A number of local residents have also raised concerns with flooding in the area due to the existing situation and also the potential for additional flooding due to the proposed development and in particular the basement level. Both the Council's flood engineer and Thames Water have assessed the proposal and provided comments. The applicant has also submitted an updated FRA in response to a query from officers.

57. The Council's Flooding Engineers have also confirmed that the existing site is 100% impermeable due to the presence of large amounts of concrete and that all surface water discharge is connected to the existing surface water sewer network. The proposed development will provide storage tanks and surface water will be restricted to 5 l/s, which will be significantly less than the existing discharge. Due to the measures proposed the controlled surface water discharge would actually reduce the flood risks in this area and in turn reduce the risk of flooding to the site and neighbouring properties overall which is considered to be a significant benefit.

58. London plan policy 5.13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. Thames Water have been formally consulted on the application and have requested that further details of a drainage strategy are secured by condition prior to the commencement of any works on site. Thames water has also recommended a condition requiring the submission of a piling method statement prior to any piling being carried out due to the potential for damage to subsurface water infrastructure. Subject to the submission of this strategy and information on piling Thames Water would not have any objections to the proposal. These conditions are considered to be reasonable due to the historic problems with flood in the area. Thames Water have also recommended that a number of informatives are included should the application be approved including groundwater discharge, minimum water pressure and building close to water mains.

59. The proposed storage tanks and restrictions on surface water are considered to be significant benefits to the local area due to the existing problems with surface water flooding. It has also been demonstrated that the proposal would pass the exceptions test. Subject to the submission of a drainage strategy and information on piling officers consider that the proposal would be acceptable in terms of flood risk and drainage.

Contaminated Land

60. The requirement to deal with contaminated land is set out in London Plan policy 5.21 and reinforced by the NPPF. The site is located on land that has had a previous contaminative land use (garage and petrol station) which indicates that there is potential for contamination to be present. Therefore Environmental Health officers have recommended a condition concerning site investigations and remediation and verification.

Ecology

61. The site is located adjacent to the railway line which is a wildlife corridor and as such DMP8 and London Plan policy 7.19 apply. The applicant has submitted an ecological report in support of the application. The report has made a number of recommendations concerning reptiles, bats, nesting birds and the presence of an invasive species (Virginia Creeper) that would need to be removed. The report has concluded that subject to conditions regarding ecological work that the proposal would be acceptable and would not harm the wildlife corridor.

Conclusion

62. Consideration has been given to the fact that there would a material loss of light to a small number of neighbouring residential properties. However based on the overall impact on living conditions and site layouts of these properties the proposal is considered to be acceptable. Consideration has also been given to the fact that although there would be a loss of an employment site the redevelopment of the site for residential purposes is acceptable in this case due to the fact that the proposed residential land use would be more suitable in this existing residential location and would make more efficient use of land, whilst contributing 70 residential units to the boroughs housing stock, 18.6% of which would be affordable. The proposal would result in a good standard of accommodation for prospective residents. The proposal would also make a

significant contribution to the streetscape and place making in the area whilst respecting the character, appearance and setting of the neighbouring listed building. The proposal would also help to address concerns with flooding in the area. Based on these factors the positives of the scheme outweigh the negatives and it is considered that the proposal is acceptable. The application is therefore recommended for approval.

S106 DETAILS

A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) is required to secure a number of planning obligations that are most appropriate to secure as obligations rather than as planning conditions. See 'Recommendation' section for further details.

CIL DETAILS

This application is liable to pay **£2,446,279.10*** 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): 458 sq. m.

Total amount of floorspace on completion (G): 7903 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
Dwelling houses	7903		7445	£200.00	£35.15	£2,080,611.61	£365,667.49

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
Total chargeable amount	£2,080,611.61	£365,667.49

*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 – APPROVAL

Application No: 17/5291

To: Mr Mark Westcott
WYG
11th Floor
1 Angel Court
London
EC2R 7HJ

I refer to your application dated **12/12/2017** proposing the following:

Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

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

at **Willesden Green Garage, St Pauls Avenue, London, NW2 5TG**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 04/09/2018

Signature:

Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2012

London Plan consolidated with alterations since 2011 (March 2016)
Core Strategy (2010)

Development Management Policies (2016)

Supplementary Planning Guidance:

SPG 17 'Design Guide for New Development' 2002

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

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

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

ST-02-099B
ST-02-100A
ST-02-101A
ST-02-102A
ST-02-103A
ST-02-104A
ST-02-105A
ST-02-106A
ST-02-107A
ST-02-109A
ST-02-111
ST-02-115
ST-03-100A
ST-03-101A
ST-03-102A
ST-03-103A
ST-03-104A
ST-03-112
ST-04-100A
ST-04-101A
ST-04-102A
ST-04-103A
ST-04-104A

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

- 3 All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)

The measures set out within the report titled "Park Avenue Residential Scheme Noise Impact Assessment" by Capita dated 1 December 2017 shall be carried out in full prior to first occupation of the dwellings hereby approved and all mitigation measures shall thereafter be maintained.

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

- 4 Any plant together with any associated ancillary equipment shall be installed so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 5dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval. The plant shall thereafter be installed prior to the first use of the building to which the plant relates and maintained in accordance with the approved details for the lifetime of the Development

Reason: To protect acceptable local noise levels.

- 5 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 3.8.

- 6 Prior to the commencement of the use of any part of the approved Development the following shall be constructed and permanently marked out:-
 - the approved number of car parking spaces as shown on the approved plans which shall include the provision of at least 20% active and 20% passive electric vehicle charging points and at least seven spaces designed and laid out for disabled parking
 - cycle parking numbers as approved

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose/s unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate parking and cycle parking provision in accordance with adopted standards.

- 7 Vegetation clearance of shrubs/trees shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.

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

- 8 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and

re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units

- 9 Before any above ground construction work (excluding demolition) is commenced, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 10 Before any above ground construction work (excluding demolition) is commenced a detailed scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be fully completed prior to occupation of the building(s), or within 12 (twelve) weeks of the commencement of the next planting season. Such a scheme shall include, but is not limited to:-

(a) Details of proposed walls, fencing and other means of enclosure indicating materials and heights, including secure fencing around the boundary of the site and the neighbouring designated SINC areas;

(b) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,

(c) Details of adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) Details of existing contours and any proposed alteration to ground levels such as earth mounding;

(e) Details of any balustrade/balcony treatment

(f) Details of areas of hard landscape works and proposed materials, including details of a robust and durable choice of material for the refuse turning area ;

(g) Details of the proposed arrangements for the maintenance of the landscape works.

(h) Details for the provision for outside seating / benches and children's play equipment

(i) Details for the provision of on site bird boxes

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and, ensure that it enhances the visual amenity of the area and to protect trees in the immediate environment and to retain a mature tree cover around the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 11 Prior to first occupation of the development hereby approved, confirmation from the Building Control body shall be submitted to the Local Planning Authority to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the

Reason: In order to ensure a sustainable development.

- 12 Notwithstanding the details submitted in the Air Quality Report (CS093291-03 dated December 2017) in support of the application, prior to the commencement of development further details on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and due to the sites location within an Air Quality Management Area.

- 13 No works shall take place until full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface within the site, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

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

- 14 Prior to first occupation of the development further details of the proposed access and gate to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime.

Reason: in the interest of safety and security

15 SITE INVESTIGATION AND REMEDIATION

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

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

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

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

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

- 16 Prior to the commencement of development further details of a detailed design and construction method (in consultation with London Underground) shall be submitted to and approved in writing by the local planning authority which:

- provide details on the use of tall plant
- accommodate the location of the existing London Underground structures

The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan consolidated with alterations since 2011 (March 2016) and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 17 Prior to the commencement of development further details of piling and excavation works (in consultation with Network Rail) shall be submitted to and approved in writing by the local planning authority which provide details of:

- Vibro-compaction machinery/piling machinery
- Ground treatment works
- A method statement to include the proposed methods of piling, excavation and construction

All works shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason: to ensure that there is no impact upon critical railway infrastructure

INFORMATIVES

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

- 3 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

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

4 STRUCTURAL INTEGRITY

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

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

5 LICENCES

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

6 HIGHWAYS

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

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

www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations

7 VIBRATION

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

8 AIR QUALITY

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

- 9 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.

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

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

- 12 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

- 13 The applicant is advised to adhere to the principles set out in the Construction Management Plan at all times during construction.

- 14 The applicant is reminded that they are required to submit the development form to AssetProtectionLNWSouth@networkrail.co.uk and the Party Wall notification (including a plan of the site) to PropertyServicesLNW@networkrail.co.uk

- 15 The applicant is advised of the following in relation to Thames water:

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the

design of the proposed development.

2. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
3. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of piling.

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 September, 2018
06
17/5292

SITE INFORMATION

RECEIVED	13 December, 2017
WARD	Mapesbury
PLANNING AREA	Brent Connects Kilburn
LOCATION	57 Cricklewood Broadway, London, NW2 3JX
PROPOSAL	Change of use from hotel (Class C1) to 9 x self-contained flats (1 x 3 bed, 4 x 2 bed and 4 x 1 bed) (Class C3) with retention of public house (Class A4); three storey rear extension.
PLAN NO'S	16-033 AE(P)-001E; AG(P)-G02D; AG(P)-102B; AG(P)-202B; AG(P)-R0C; AX(P)-001C; AZ(P)-001A; AZ(P)-003C; YZ(P)-001 3548-02; 03; 04
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_137678</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "17/5292" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

Resolve to **grant** planning permission subject to conditions.

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

1. Time limit for commencement
2. Approved drawings/documents
3. Materials to match those of the existing building
4. Submission of obscured glass.
5. That the homes are "parking permit restricted"
6. Pub opening hours
7. No permitted development change of use to Class C4
8. Implementation of Delivery and Servicing Plan
9. Use of Servicing Bay
10. Details of landscaping scheme, including revisions to the amenity spaces
9. Air Quality Impact Assessment


Informatives

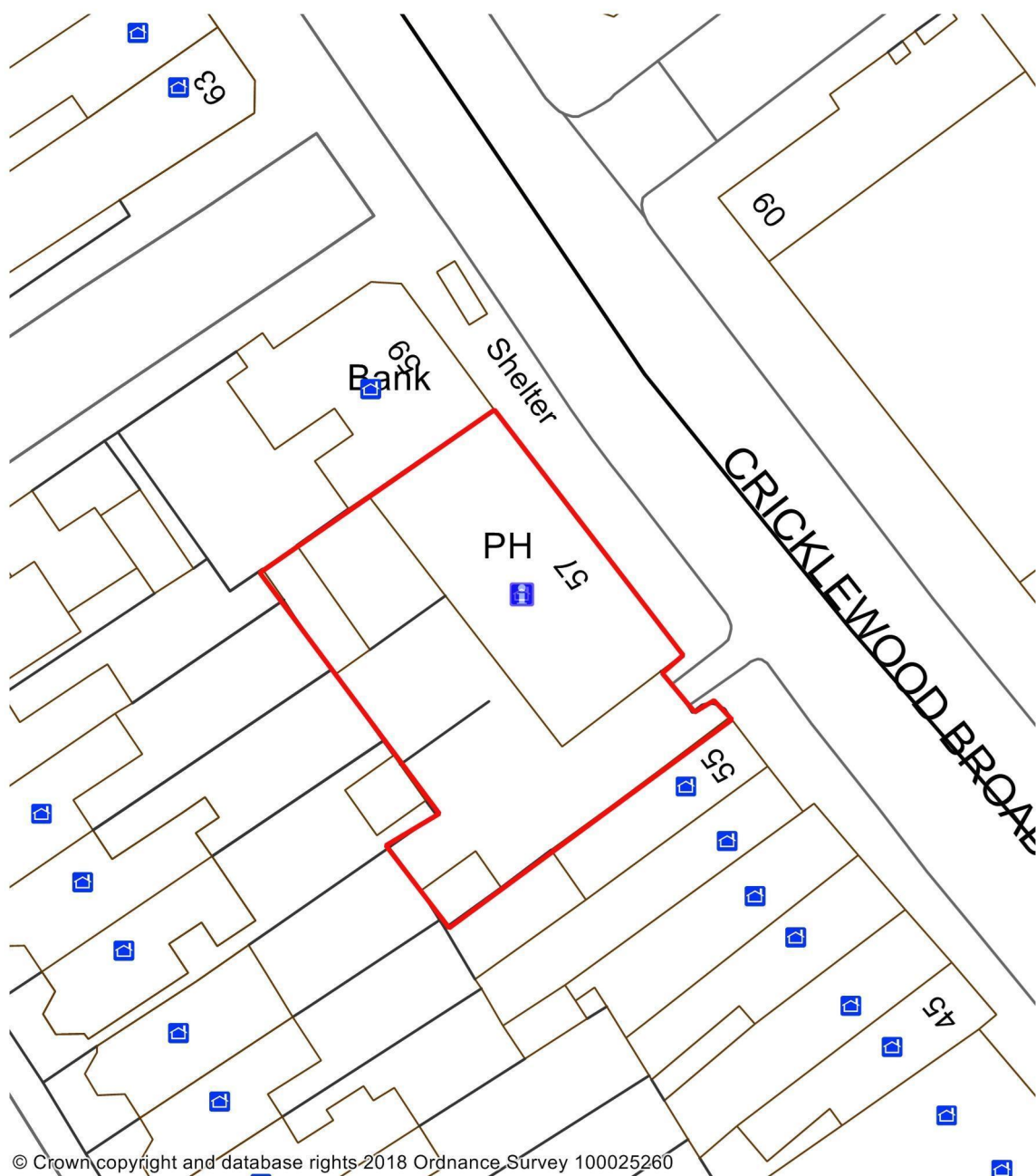
1. CIL liability informative
2. Party Wall Act
3. Fire safety
4. London Living Wage
5. Notify Brent Highways prior to works taking place

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

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

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: 57 Cricklewood Broadway, London, NW2 3JX</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

The current application seeks planning permission for the change of use from hotel (Class C1) to 9 x flats (Class C3) with retention of public house (Class A4); two storey rear extension.

EXISTING

The application site relates to a large two storey building in use as a public house at ground floor level with a hotel occupying the upper floors and part of the ground floor. The bar, which comprises approximately two thirds of the ground floor area and occupies the south-eastern part of the building, is according to the documents submitted, currently not in use as a public house but instead used as a lounge/breakfast area by hotel guests.

The property is not situated within a conservation area, although it does border the Mapesbury Conservation Area to the rear. The building is located within the designated Cricklewood Town Centre and its front elevation forms part of a designated secondary shopping frontage.

SUMMARY OF KEY ISSUES

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

Principle: The proposal would result in the loss of the hotel. However, this is not contrary to planning policy and there is no objection to the introduction of residential uses in this location, subject to the remainder of the material planning considerations. The proposal does not affect the area within the building that was used as a public house and thus does not result in any loss of floorspace for the public house. The proposal would result in the loss of the beer garden of the public house (ancillary space to the public house) as this is proposed to change to gardens for the residential units. However, as the proposal would not affect the internal space, it is not considered likely to affect the viability of the public house use and is considered to be acceptable.

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

Standard of Accommodation: The living conditions of future occupiers of the development would be acceptable. One home would fall marginally below the minimum floorspace standards, but has an efficient internal layout which maximises usable space. The

Impact on Neighbouring Amenity: The development has been assessed against loss of light, outlook and privacy as well as any increased sense of enclosure to all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is, on balance, acceptable.

Parking & Highways: No additional off street car parking has been provided. In regards to on-street parking, the scheme would be a parking permit free development. Cycle parking proposed accords with standards. Access for pedestrians is considered to be acceptable.

Environment: The principles and methodology outlined in the environmental reports regarding air quality and contamination are considered acceptable. Further details in terms of mitigation will be secured by condition.

Representations received: Ten objections were received. The most common issue raised is the loss of the public house. However, no loss of the pub is proposed except for the outdoor beer garden as discussed above. The other main concerns were against the overdevelopment of the property and its harm upon the neighbouring conservation area, and the potential impact on neighbouring amenities. These issues are discussed fully in the report and are deemed to be acceptable.

RELEVANT SITE HISTORY

09/1456: Replacement of ground floor window with french doors to rear elevation of public house. **Approved.**

09/0276: Retention of timber trellis and pergola in beer garden to the rear of Windmill Public House. **Approved.**

CONSULTATIONS

Individual notification letters were sent to the occupiers of 38 neighbouring properties. Ten objections and six letters of support have been received.

The issues raised in objection can be summarised as follows:

The issues raised in support can be summarised as follows:

1. More housing is required within the neighbourhood / London

- See Officer Report

2. Ground floor bar has only been used for private functions so proposal would reintroduce the public house.

- See Officer Report

Individual notification letters were sent to the occupiers of 38 neighbouring properties. Ten objections and six letters of support have been received.

The issues raised in objection can be summarised as follows:

Issue	See paragraph
Bar has been in use as a public house open to the public within last ten years	1.5 to 1.10
Extensions are harmful to the adjoining conservation area	3.1 to 3.6
Extensions are overdevelopment of the property	3.1 to 3.6
Loss of light / increased sense of enclosure to neighbouring residents	4.1 to 4.9
Noise from pub	4.10
Additional strain on local services and amenities	The creation of nine units is not expected to have an unreasonable impact on local services, and contribution towards infrastructure to support development is paid pursuant to the Communtiy Infrastructure Levy.

The issues raised in support can be summarised as follows:

1. More housing is required within the neighbourhood / London

2. Ground floor bar has only been used for private functions so proposal would reintroduce the public house.

These matters are discussed later in this report.

POLICY CONSIDERATIONS

Key Policies Include

London Plan (2016)

Policy 3.5 Quality and Design of Housing Developments

Policy 6.9 Cycling

Core Strategy (2010)

CP2: Population and Housing Stock
CP17: Protecting and Enhancing the Suburban Character
CP23: Protection and Enhancement of Community Facilities

Local Plan (2016)

DMP1: Development Management General Policy
DMP2: Supporting Strong Centres
DMP3: Non-Retail Uses
DMP6: Visitor Accommodation
DMP12: Parking
DMP18: Dwelling Size and Residential Outbuildings
DMP19: Residential Amenity Space
DMP21: Public Houses

Other

National Planning Policy Framework
Technical Housing Standards
SPG17: Design Guidelines for New Development (2001)
Emerging SPD1: Brent Design Guide (2018)

DETAILED CONSIDERATIONS

1.0 Principle

The proposal would result in the loss of the existing hotel and provision of residential units. The proposal would not result in the loss of internal floorspace for the public house, but it would result in the loss of the pub beer garden (changed to gardens for the residential units).

Loss of Hotel

1.1 Core Strategy CP1 states that Wembley will become the primary location for new hotels. Local Plan Policy DMP6 states that visitor accommodation and attractions will be encouraged in Wembley Strategic Cultural Area and in town centres in accordance with the sequential approach.

1.2 The existing hotel is located within the designated Cricklewood Town Centre, which is regarded as a 'District Town Centre'. As such, while hotel accommodation is deemed an appropriate use within the site, the loss of the existing one would be regarded as acceptable providing an equally appropriate land use could be found and the new development was of a high standard of design. The current proposal is for the creation of nine new residential units, including a family sized unit. As new residential accommodation is a pressing need across London and particularly within Brent, which has an annual target of 1500+ new dwellings to meet, the new use is deemed appropriate. The scheme is, in general regarded as being of a high quality design providing good standards of accommodation (this is discussed in further detail below). As such, the loss of the hotel is deemed acceptable in this instance and the proposal complies with Core Strategy Policy CP1 and Local Plan Policy DMP6.

New Residential Units

1.3 The National Planning Policy Framework identifies the need for additional housing. The London Table 3.1 sets an annual target of 1,525 net additional dwellings for Brent. This is supported by Core Strategy Policy CP2 and Local Plan Policy DMP 16 which state that the Council will resist development resulting in a net loss of residential units apart from in exceptional circumstances.

1.4 The application seeks to provide a total of nine net additional residential units, contributing towards local and national housing targets. Accordingly, the proposal complies with Core Strategy Policy CP2 and CP21.

The Public House

1.5 Core Strategy Policy CP23 states that community facilities will be protected, or their loss

mitigated where necessary. This is supported by Local Plan Policy DMP21 which states that the loss of public houses will be resisted except in exceptional circumstances.

1.6 It is claimed by the applicant that the bar at ground floor level has not been in use as a public house since a fire in 2007, and has instead been mostly used as a lounge/breakfast area by hotel guests, with the bar occasionally rented out for private functions. The applicant has submitted a number of documents to demonstrate this including statutory declarations and company accounts. However this information does not correspond with other details that have been provided during the course of the application.

1.7 Officers acknowledge that there has been a strong interest from the local community in regards to the use of the premises at ground floor level, with numerous objections over the proposed loss of the 'public house' and questions raised over the validity of the evidence supplied by the applicant. A number of objectors have also claimed to have personally frequented the pub on occasions in the recent past.

1.8 Regardless of whether the premises has been used as a public house or a breakfast bar within the last few years is not a determining factor to this proposal. It has not been demonstrated that the site does not accommodate a public house so policy DMP21 is relevant. However, this application does not propose to reduce the internal floor area of the public house premises. Planning applications from almost a decade ago (ref: 09/1456) show the size of the 'pub' being exactly the same size as the current proposal. The only loss to the pub with this scheme is to the beer garden at the rear, which is proposed to be transformed into private gardens.

1.9 The authorised use of the beer garden to the rear is also considered to be likely to be as an area ancillary to the public house (again with a lack of evidence to demonstrate continued use for an alternative purposes for a period of 10 years) and the proposal will result in the loss of this area for ancillary purposes (to the pub). However, the Council does not possess any powers to require its use as a beer garden and irrespective of this proposal, and even if the premises was currently and regularly used as a public house, there is nothing stopping the applicant from restricting public access to it, or for example, from converting it into a car park for the pub or a different area in ancillary use. Therefore on balance, given that the internal layout and floor area of the public house premises has remained the same as it is for nearly a decade and the retained floor space is considered to be useable and practical for a future use as a pub, the loss of the beer garden is not considered to be contrary to Policy DMP21 in this instance.

1.10 Therefore in summary, it is considered that the proposal accords with Core Strategy Policy CP23 and Local Plan Policy DMP21 as it does not result in the loss of the internal space associated with the public house.

2.0 Quality of Residential Accommodation

2.1 London Plan Policy 3.5 'Quality and Design of Housing Developments' says that housing developments should be of the highest quality. The Mayor has prepared Supplementary Planning Guidance entitled 'Housing' (herein referred to as the Housing SPG) which is clear that new housing must also enhance the environment, improve choice and affordability and provide better quality homes.

Size and Aspect

2.2 Local Plan Policy DMP 1 states that it is important that development provide high levels of internal amenity and create a high quality environment. Meanwhile, Local Plan Policy DMP 18 states the size of new dwellings should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings', which follows the standards set out in the government's 2015 report 'Technical housing standards'. This is supported by SPG17.

2.3 It is proposed to arrange the accommodation to form nine self-contained flats, 1 x three bedroom/four person family unit, 4 x two bedroom/three person flats, and 4 x one bedroom/two person flats. All of the proposed flats are considered to provide a good standard of accommodation for potential residential occupiers and be in accordance with the policies outlined above. However, it is considered vital to attach a condition restricting the ability to change the use of the proposed flats from Use Class C3 (dwellinghouses) to Use Class C4 (smallscale houses in multiple occupation) and such a change of use would result in a poor standard of accommodation for future occupants. This is recommended to be secured through condition.

2.4 All of the residential units would meet minimum space guidelines, with the exception of Flat 201 which is marginally under (Flat 201 is a one bed/two person flat and measures approx. 47sqm, whilst the housing standards request 50sqm). This unit would however be dual aspect with a very practical layout,

which has limited circulation space (thus maximising the usable accommodation), giving well sized rooms. It would also have access to the shared garden, the living conditions for future occupiers would be good, and the proposed flats would be acceptable in terms of layout, room size, and storage.

2.5 Seven of the nine flats would be multi-aspect, with the only exceptions being Flat G01 and Flat 102. Flat G01 is south-easterly facing and is a relatively small unit with large windows to the rear. It would also benefit from a private garden which would mean the overall living conditions of this unit would be good. Meanwhile, Flat 102 is north-western facing however the unit is well proportioned with a practical layout. It will also benefit from the use of the communal garden and overall the flat provides good quality of accommodation as well.

2.6 In regards to Flat 203, the unit has a pitched roof, but the floorplans show only the floor area with a height greater than 1.5m, and so the total usable floorspace of the unit remains 51sqm. Meanwhile, 88% of the floor area remains over 2.3m in height, complying with national standards.

2.7 SPG17 requires the windows of new residential units to be at least 5m away from boundary walls in order to provide adequate light and outlook, and the proposal would comply with this guideline. As such, the internal living spaces are deemed to receive good levels natural light, outlook and ventilation. The gardens of the ground floor units would be enclosed with 1.7m high fences, protecting the privacy of the occupiers of Flat G01 and G02 from any use of the communal garden.

2.8 In regards to noise, between 2007 and 2017, the Nuisance Control Team received 11 noise complaints about loud music from the public house. There is concern that prospective occupants of the proposed development may be affected by loud music and general commercial noise from the public house. However, a number of these related to the use of the beer garden, which is to be removed as part of the application. The application has been submitted within a noise assessment and the agent has confirmed that the pub would not require any external plant, therefore any concerns regarding noise transfer between uses would be addressed through a building regulations application.

2.9 In conclusion, despite the slightly substandard size of Flat 201, it is considered that the proposal provides a good quality of internal amenity for future occupiers, and that it would be unreasonable to argue that it does not comply with Local Plan Policy DMP1 and DMP18 and SPG17

Outdoor Amenity Space

2.10 Local Plan Policy DMP1 and DMP19 requires that family sized units provide 50sqm metres of private outdoor amenity space and all other units provide 20sqm.

2.11 Both ground floor flats are provided with private outdoor amenity space. Flat G01 possesses a private garden measuring approximately 32sqm whilst Flat G02 (the three bedroom home) is shown to have 120sqm of garden space, comprising 81.7 sqm on one side of the flat and 41 sqm adjacent to the communal garden.

2.12 The areas of private amenity space significantly exceed the Council's standards. However, the proposal only includes a 60sqm communal garden for the seven upper floor flats which is significantly below the Council's standards. It is accordingly considered that the 41 sqm area that is currently proposed for use as private amenity space for the 3-bedroom flat should become a part of the communal garden, thus increasing the size for this to 100 sqm. Whilst still below the Council's standards (140 sqm), it would provide a usable space. The quality of layout and landscaping of the space would need to be very good to justify the shortfall, with details recommended to be secured through condition. The landscaping would need to include defensible planting in front of the windows of the three bedroom unit. On balance, Officers are of the opinion that provision of private outdoor amenity space is acceptable, and in general is compliant with Local Plan Policy DMP19

3.0 Design

3.1 Paragraph 58 of the NPPF requires planning decisions to ensure that development will add to the overall quality of the area, to respond to local character and history and reflect the identity of local surroundings. London Plan Policy 7.1, 7.2, 7.4, 7.5 and 7.6 requires all new development to be of high quality that responds to the surrounding context, and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood.

3.2 Core Strategy Policy CP17 states that the distinctive suburban character of Brent will be

protected from inappropriate development. Local Plan Policy DMP1 states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design and complements the local area. This is supported by Supplementary Planning Guidance 17 which provides additional detail for new development.

3.3 The building is a handsome Edwardian public house featuring windmill motifs. Large central oriel window, brick pilasters and terracotta entrance. Towering central circular pedimented gable with oculus and terracotta heraldic cartouche. It backs onto the Mapesbury Conservation Area - a heritage asset. The Windmill building has heritage merit and should be considered as non-designated heritage asset. As such, the Council are pleased to see that the frontage will be retained and no alterations will be carried out.

3.4 The three storey extension is a fairly modest extension to the building, and include a pyramid-hipped roof. Officers are of the opinion that the extension to the rear will not harm the character of the building or views from or to the nearby conservation area. To ensure that the areas of new development have an appropriate appearance a condition has been recommended to agree the new materials.

3.5 As an aside, it is important to note that the pub would does not include a kitchen and would not serve hot food. It would therefore not require additional flues or vents to the rear elevations. Planning permission would be required for the installation of external flues should these be proposed in the future.

3.6 Consequently, the works are regarded as being modest in scale and sympathetically designed. Furthermore the extension is deemed as being subservient to the original building and compatible with its setting. It is therefore considered to be visually acceptable and in accordance with Core Strategy Policy CP17 and Local Plan Policy DMP1.

Aboriculture

3.7 Local Plan Policy DMP1 states that development will be acceptable providing it retaining existing green infrastructure including open space, high amenity trees and landscape features or providing appropriate additions or enhancements.

3.8 No trees of any note within the pub ground itself although the Mapesbury Conservation Area finishes directly behind the pub garden in Hoveden Road. A wooden close board fence and wall spans the rear of the site behind the covered garden area and a sizable rear garden tree can be seen in site photos located in Hoveden Road, maybe a Corkscrew Willow. However, given the existing boundary treatment it is unlikely that roots from any of the adjacent garden trees or shrubs will have breached the ground beneath the application site and therefore the Council are satisfied with the works.

4.0 Neighbour Amenity

4.1 Local Plan Policy DMP1 seeks to ensure new development, amongst other things, provides high levels of external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPG17.

Overbearing / Outlook

4.2 To ensure that development does not appear overly dominant or appear overbearing for any nearby occupiers, SPG 17 states that in general, new development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, and should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

4.3 The nearest affected property to the rear is 29 Hoveden Road. The proposed rear extension would comply with the 30 degree line taken from the windows serving the rear habitable rooms. The roof of the extension would modestly contravene the 45 degree line taken from the boundary wall at 2m. However the roof is a pyramid-hip design and slopes steeply away and from the boundary, reducing the level of impact. Moreover, No. 29 possesses a large outbuilding located in the rear garden adjoining the boundary wall with the hotel. Taken from the front of the outbuilding, the proposal easily complies with the 45 degree line. As such, whilst not completely compliant with the 45 degree line, Officers are of the opinion that, on balance, the breach is not significant enough to warrant the withholding of planning permission.

4.4 The building adjacent to the south of the hotel is 55 Cricklewood Broadway. The property is in use as a dentist at ground and first floor level, and there is a high boundary wall between the two

properties. Taken from the top of the party wall, the three storey rear extension would comply with the 45 degree line.

4.5 To the north of the property is 59 Cricklewood Road. This is in use as a solicitors at ground floor level with flats above and a car park to the rear. Due to the relationship between the two buildings there is not expected to be any harm to the amenities of the of the residents No. 59.

Privacy

4.6 SPG17 requires new windows to be at least 20m away from existing neighbouring windows and 10m from neighbouring boundaries, in order to prevent overlooking and loss of privacy.

4.7 The property at 29 Hoveden Road would be most affected in regards to privacy by the development, as it is located directly behind the proposed three storey rear extension. The first and second floor rear windows of the proposed extension would remain approximately 18m away from the opposing rear windows at No. 29. Whilst this is slightly below the 20m guidance, it is compliant with the distances proposed in emerging SPD1, and remains a sufficient distance away. Any loss of privacy would thus be in line with guidance and therefore not unduly detrimental. The first and second floor rear windows of the extension, which serve the open planned living/kitchen areas of flats 104 and 203 respectively, would be located approximately 4m away from the rear garden of No. 29. In order to overcome overlooking into the neighbouring garden of 29 Hoveden Road, they would be fitted with fixed shut obscured glass to a height of 1.7m.

4.8 Further along, the rear windows serving Flats 101 and 201 would both remain approximately 10m away from the rear boundary wall of 33 Hoveden Road. Any overlooking from these properties into the rear garden of No. 33 would be in line with guidance and thus not unduly detrimental.

4.9 As mentioned above, the adjacent property at 55 Cricklewood Road is in use as a dentist surgery at ground floor level. Any overlooking into the rear yard of that property would not harm residential amenity and would not significantly affect the users of the site.

Noise

4.10 Objections have been raised in relation to the noise associated with the public house. However, the internal area of the public house is not proposed to change. The beer garden of the public house is proposed to change to gardens to be used by the residential dwellings. It is considered likely that the noise levels associated with residential gardens are likely to be lower than those associated with a pub beer garden. Reasonable use of this area is unlikely to result in significant noise and disturbance.

5.0 Traffic Generation, Car Parking, Cycle Parking and Access

5.1 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Policy 6.1, 6.3, 6.10, 6.11 and 6.13 of the London Plan support development that reduces the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

Car Parking

5.2 Car parking provision is set out in Local Plan Policy DMP 12 and Appendix 1. As the site has very good access to public transport services, the lower residential allowances would apply.

5.3 Whilst only operational and disabled parking is allowed for the hotel use. There are no particular standards for the public house. The existing six-space car park at the rear of the building therefore exceeds current maximum standards.

5.4 The nine proposed flats would be allowed up to 7.2 parking spaces, whilst the retained public house would still not be permitted any parking. The removal of the rear car park to provide amenity space for the flats would therefore bring the site into line with current restraint based standards.

5.5 Local Plan Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. Cricklewood Broadway is a major London distributor road and bus route with a bus lane along the site frontage though, so is unable to safely accommodate on-street parking. To mitigate this, a

'parking permit restriction' agreement is recommended for the flats, withdrawing the right of future residents to on-street parking permits, in line with the recommendations of Policy DMP12. This has been acknowledged by the applicant in their Design & Access Statement and could be secured by an appropriate condition if Officers were minded to approve the scheme.

Servicing

5.6 In terms of servicing, beer deliveries for the public house would generally be expected to be made by 10m rigid lorries, with other sundry deliveries by smaller vans. At present, the car park provides an off-street area from which some deliveries can be made, but the restricted width of the access gates and crossover means this is only of use to smaller vehicles, with 10m beer drays still having to deliver from the street.

5.7 The proposed site layout will not change this, with a service yard retained for vans to reverse into, but the access gate width remaining unchanged.

5.8 To help to manage arrangements within and alongside the site, a Delivery Management Plan has been submitted. Drivers of smaller vans will be expected to call ahead to schedule their delivery, to ensure space is available within the yard. The plan also states that vans will be used for alcohol deliveries to the public house, which would be a significant improvement.

5.9 For larger deliveries, vehicles will need to stand in Cricklewood Broadway when off-loading and will therefore need to comply with the loading restriction times in operation in the street.

Cycle and Refuse

5.10 The London Plan requires the provision of at least one secure bicycle space per 1-bed flat and two spaces per 2-bed flat, giving a total requirement of 15 spaces for the new flats. A shared bicycle store is proposed at the rear of the retained service yard for 12 bicycles, whilst the two ground floor units will have their own private amenity space within which bicycles can be stored. As such, the London Plan requirements for the flats are met.

5.11 The London Plan also requires five spaces for the public house (one long-stay and four short stay). However, it is acknowledged that there is little space within the site boundary to locate any publicly accessible bicycle stands, so this requirement can be waived.

5.12 Brent's standard refuse collection vehicles would also be unable to enter the site and thus would need to collect from the road, but the location shown for the bins is well within the stipulated 20m maximum carrying distance from Cricklewood Broadway for refuse collection staff.

Crossover and Access

5.13 With the existing gates remaining unchanged, no changes are required to the existing crossover to the site. Finally, pedestrian access will be taken directly from Cricklewood Broadway, which is welcomed and will allow ease access for the fire service.

Highways Summary

5.14 In conclusion, as access to the car park is already restricted, the future arrangements do not worsen the existing situation for the public house and with the proposed Delivery Management Plan, the operation of the site should have less impact on the adjoining highway than the current arrangements for the pub and hotel. Subject to a condition to designate the proposed flats as 'car-free' and thus withdraw their right to on-street parking permits, there would be no objections on transportation grounds to this proposal.

6.0 Environmental Health

Air Quality

6.1 The submission is specified as being accompanied by an Air Quality Assessment. However, the document that has been submitted is a methodology and quote for an air quality assessment rather than an assessment in itself. Nevertheless, the Council's Environmental Health Officers have commented that the submitted methodology is acceptable, and that having regard to the scheme, the location of the site and their

knowledge of previous assessments that have been undertaken in the vicinity, that if air quality was deemed to be unacceptable for residential receptors, mitigation measures could be put in place. As such, they have recommended that a condition is attached requiring the submission of an air quality impact assessment.

CIL DETAILS

The proposal is liable to pay CIL as set out below because the proposal comprises at least one new residential unit, in accordance with Reg 42(2) of the CIL Regulations 2010 (as amended), the provisions of which supersede the provisions of Reg 42(1) 'exemption for minor development'.

This application is liable to pay **£175,133.21*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 533 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
Dwelling houses	533	0	533	£200.00	£35.15	£148,954.46	£26,178.75

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
Total chargeable amount	£148,954.46	£26,178.75

*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 – APPROVAL

Application No: 17/5292

To: Mrs Carolyn Apcar
Apcar Smith Planning
Kinetic House
Theobald Street
Borehamwood
Herts
WD6 4PJ

I refer to your application dated **12/12/2017** proposing the following:

Change of use from hotel (Class C1) to 9 x self-contained flats (1 x 3 bed, 4 x 2 bed and 4 x 1 bed) (Class C3) with retention of public house (Class A4); three storey rear extension.

and accompanied by plans or documents listed here:

16-033 AE(P)-001E; AG(P)-G02D; AG(P)-102B; AG(P)-202B; AG(P)-R0C; AX(P)-001C; AZ(P)-001A; AZ(P)-003C; YZ(P)-001
3548-02; 03; 04

at **57 Cricklewood Broadway, London, NW2 3JX**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 04/09/2018

Signature:

Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

London Plan (2016)
 Core Strategy (2010)
 Local Plan (2016)
 Supplementary Planning Guidance 17: Design Guidelines for New Development (2001)
 Emerging SPD 1: Brent Design Guide (2018)

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

CP2: Population and Housing Stock
 CP17: Protecting and Enhancing the Suburban Character
 CP23: Protection and Enhancement of Community Facilities
 DMP1: Development Management General Policy
 DMP2: Supporting Strong Centres
 DMP3: Non-Retail Uses
 DMP6: Visitor Accommodation
 DMP12: Parking
 DMP16: Resisting Housing Loss
 DMP18 Dwelling Size and Residential Outbuildings
 DMP19 Residential Amenity Space
 DMP21: Public Houses

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

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

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

16-033 AE(P)-001E; AG(P)-G02D; AG(P)-102B; AG(P)-202B; AG(P)-R0C; AX(P)-001C;
 AZ(P)-001A; AZ(P)-003C; YZ(P)-001
 3548-02; 03; 04

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

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

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

- 4 The first and second floor rear windows of flats 104 and 203 shown on drawing ref: 16-003-AE(P)-001E hereby approved shall be fixed shut or high level opening only (at least 1.7 m above finished floor level) and obscurely glazed below this height, and shall be maintained as such for the life of the development.

Reason: In order to ensure the residential amenity of occupiers and neighbours is not adversely affected through overlooking or loss of privacy.

- 5 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents

Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: To ensure the safety and free flow of the surrounding highway network.

- 6 The premises shall only be open and used for the preparation or sale of hot food or for the sale of alcoholic liquor:

Sunday to Thursday: 10:00-00:00

Friday and Saturday: 10:00-01:00

And shall be cleared, with all ancillary activity completed, within 30 minutes of closing time, and the premises shall not be open outside of these hours.

No deliveries to the premises should take place between the hours of 23:00 and 07:30

Reason: To protect the amenities of nearby residential occupiers.

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

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

- 8 The cycle parking detailed within the submission shall be installed prior to first occupation of the residential units hereby approved and shall thereafter not be used other than for the provision of cycle parking ancillary to the residential units.

Reason: In the interest of highway flow and safety, and sustainable transportation.

- 9 The delivery and servicing of the premises shall not be carried out other than in accordance with the "Delivery and service management plan", dated October 2017 hereby approved and the measures in the plan shall be implemented in full for the life of the development.

Reason: In the interest of the free and safe flow of traffic on the local highways.

- 10 The servicing area shown within drawing 16-033-AG(P)-G02 Rev D, being the open area adjacent to the cycle storage, shall not be used other than for the servicing of the premises and shall be kept clear at all times with no storage taking place within this area (other than the storage of refuse bins in the areas shown as such within this drawing) and shall be maintained as such for the life of the development.

Reasons: In the interest of highway flow and safety, and of amenity.

- 11 A scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing prior to first occupation of the development hereby approved and the approved scheme shall be completed in accordance with the approved scheme prior to first occupation of the

approved development. The areas of external amenity space shall thereafter not be used other than as external amenity space for the flats hereby approved. The scheme shall include details of:

1. The layout of the external amenity spaces shown on drawing 16-033-AG(P)-G02 Rev D, which shall include the incorporation of the area denoted as "private garden 41.0 m2" as a part of the communal garden;
2. Planting, including a planting plan detailing plant species, size, location and number/density;
3. Walls / fences / means of enclosure;
4. Any levels or contouring within the site;
5. Hard landscaping, including materials and any proposed furniture;
6. Drainage;

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 12 The proposed development is in an Air Quality Management Area and an air quality impact assessment shall be submitted for the approval of the local planning authority. The assessment shall include the impact of the building works and operation of the development on local air quality, as well as the impact of local air quality on the future residents of the development. The assessment shall include mitigation proposals for any identified adverse impacts. The approved mitigation measures shall be implemented in full.

Reason: To ensure acceptable levels of air quality for future occupiers.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ Tel 020 8937 1234. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.

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