

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 August, 2018
07
17/2068

SITE INFORMATION

RECEIVED	9 May, 2017
WARD	Kilburn
PLANNING AREA	Kilburn Neighbourhood Forum
LOCATION	1A Dyne Road, London, NW6 7XG
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
PLAN NO'S	J3023-50/P7; 51/P6; 52/P7; 1000/P5; 1001/P5; 1002/P7; 1003/P6; 1004/P6; 1005/P5; 1006 Air Quality Statement Energy Statement Noise Assessment
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_134177</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.uk2. Select Planning and conduct a search tying "17/2068" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

Section 106 Heads of Terms

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Notification of material start 28 days prior to commencement
- Affordable housing review mechanism: prior to practical completion, carry out a review of financial viability assessment on agreed baselines and pay if necessary an offsite affordable housing contribution
- Highway works under section 278 of the Highways Act to reinstate the redundant crossover to Dyne Road to footway and extend adjoining on-street parking bays. This is to be undertaken at the developer's expense prior to occupation of the development
- Training and employment plan targeting Brent residents;
- Contribution of £33,138 towards a local carbon off-setting scheme to achieve the targets for carbon reduction set out in the Energy Statement by UK Building Compliance (June 2017, ref 109532, as amended)

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:

1. Time limit for commencement
2. Approved drawings/documents
3. Landscaping scheme
4. That the homes are "parking permit restricted"
5. Withdrawal of permitted development rights
6. Details of external materials
7. Details of cycle and waste provision
8. Construction Methods Statement
9. Site investigation
10. Soil contamination remediation
11. Air Quality Assessment
12. Air quality neutral

Informatives

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

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 **15/11/2018** (including determination dates set through agreement), the Head of Planning is delegated authority to refuse planning permission.

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

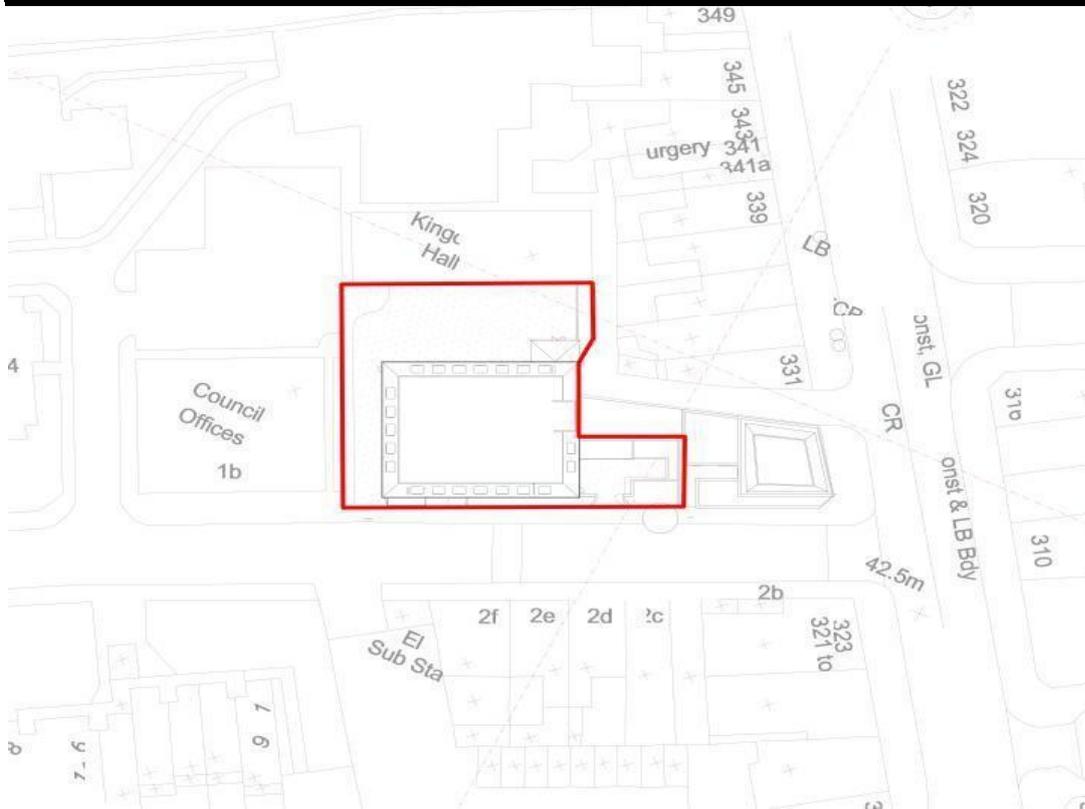
SITE MAP



Planning Committee Map

Site address: 1A Dyne Road, London, NW6 7XG

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This map is
indicative only.

PROPOSAL IN DETAIL

The current application seeks planning permission for the 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 three storey side extension; associated external alterations, plant room and provision for cycle parking and bin stores

EXISTING

The application site comprises a large four-storey private educational building with a footprint of approximately 390sqm, a rear carpark and access driveway, located on the north side of Dyne Road it is situated about 25m west of its junction with Kilburn High Road. The building is currently occupied by The Institute of Contemporary Music Performance (ICMP), an independent, specialist music school which also occupies the sister building at 1B Dyne Road.

Dyne Road is a broad tree lined unclassified road that runs generally north east to south west between Kilburn High Road (A5) in the north and Willesden Lane (A4003) in the south. It is a mature and attractive suburban street characterised by large two and three storey Edwardian and Victorian houses although the typology breaks down toward the junction with Kilburn High Road where there are a number of more recent developments of three and four storey flatted blocks and commercial buildings.

The property is not located within a conservation area and does not affect any listed buildings. It is located just outside of the designated Kilburn Town Centre.

AMENDMENTS SINCE SUBMISSION

SUMMARY OF KEY ISSUES

Principle: There is no objection to the loss of the music school in principle. The school is private and not deemed to community use. Moreover, the school is to be relocated within the adjacent 1b Dyne Road. Acceptable levels of family housing have been provided. The development does not offer any affordable housing, due to concerns over the financial viability of the scheme. This has been justified and confirmed independently by the Council. To ensure that if this viability situation changes the development would deliver the maximum amount of affordable housing, the applicant has agreed to enter into a s106 agreement for a post-implementation review.

Representations received: One objection was received from a local resident regarding noise and disturbances during construction. This is not a material planning consideration that can be given any significant weight and can be managed by environmental health legislation.

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.

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 applicant has agreed to a 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.

RELEVANT SITE HISTORY

07/1080: Change of use of third floor from offices (Use Class B1) to music school (Use Class D1). **Approved.**

12/1807: Creation of toilet, shower and kitchen facilities, a sound proofed recording studio and a storage space within part of ground floor undercroft car park. **Approved.**

CONSULTATIONS

Individual notification letters were sent to the occupiers of 115 neighbouring properties. One letter of objection has been received. The issues raised can be summarised as follows:

- Noise and disturbances during construction.

Officer Response:

- This matter is managed by other primary legislation and cannot be given any significant weight in the assessment of a development of this type and scale.

POLICY CONSIDERATIONS

National Planning Policy Framework (2018)

London Plan (2016)

- 3.3: Increasing Housing Supply
- 3.4: Optimising Housing Potential
- 3.5: Quality and Design of Housing Developments
- 3.10: Definition of Affordable Housing
- 3.11: Affordable Housing Targets
- 3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13: Affordable Housing Thresholds
- 5.2: Minimising carbon dioxide emissions
- 5.3: Sustainable Design and Construction
- 6.1: Strategic Approach
- 6.3: Assessing Effects on Transport Capacity
- 6.10: Walking
- 6.11: Tackling Congestion
- 6.12: Road Network Capacity
- 7.1: Lifetime Neighbourhoods
- 7.2: Inclusive Environment
- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture

Core Strategy (2010)

- CP 1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP6: Design and Density
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 A Balanced Housing Stock

Local Plan (2016)

- DMP 1 Development Management General Policy
- DMP 11 Forming an Access on to a Road

DMP 12 Parking
DMP 15 Affordable Housing
DMP 18 Dwelling Size and Residential Outbuildings
DMP 19 Residential Amenity Space

Supplementary Planning Guidance

Supplementary Planning Guidance 17: Design Guide for New Development (2001)
Mayor of London Housing SPG (2016)

DETAILED CONSIDERATIONS

1.0 Land Use

Loss of School

1.1 Core Strategy Policy CP23 states that in order to ensure that the continuing needs of Brent's diverse community are met, existing community and cultural facilities, that support community participation and development will be protected, or their loss mitigated where necessary.

1.2 The subject site has been used as a private music school for a number of years. It is the school's intention to relocate completely to the neighbouring building 1B Dyne Road next door, which it also occupies, and this move has been facilitated by a number of extensions which the Council have recently approved (ref: 16/0492 and 16/2794).

1.3 Whilst the loss of D1 facilities across the Borough is generally resisted, the school in question is private and there are no site designations for its retention. Officers have also noted that the music school (Institute of Contemporary Music Performance) will be relocating next door, confirmed by recent planning applications at the site. The proposal to convert 1A Dyne Road into residential accommodation is therefore considered in general accordance with the Development Plan, creating a modest but not insignificant contribution towards the Borough's housing targets in a sustainable urban location.

1.4 The principle of the change of use is therefore considered acceptable, subject to the finer considerations of quality of accommodation, housing mix, and impact on the amenity of neighbours, design/impact on character of the area and highways impacts. These issues are dealt with below.

Residential Development

1.5 The National Planning Policy Framework identifies the need for additional housing. London Plan 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.

1.6 The application seeks to provide a total of twenty one net additional residential units, contributing towards local and national housing targets.

Residential Mix

1.7 London Plan Policy 3.8 states new developments offer a range of housing choices, in terms of the mix of housing sizes and types. Meanwhile, Core Strategy Policy CP21 seeks 25% of units in residential developments of ten units or more to be family sized (three bedrooms or more).

1.8 Of the 21 proposed units, five of them, or 24%, are family sized. Despite being marginally under the minimum requirement, the proposed units are of a good size and quality. When considering the constraints of the site it would be difficult to provide additional large units of a high quality and this amount is acceptable.

Density

1.9 London Plan Policy 3.4 and Core Strategy Policy CP6 seek to ensure that proposals achieve the

optimum intensity of use compatible within the local context, with consideration for the density ranges set out in Table 3.2 of the London Plan. This is supported by Local Plan Policy DMP1 and SPG 17.

1.10 The site is located in Public Transport Accessibility Level (PTAL) 5 using Transport for London's methodology, indicating that it has good accessibility by public transport. According to the London Plan density matrix, the site is considered to be set in an urban area with predominantly dense development and located within 800 metres walking distance of a District centre (Kilburn Town Centre) or along main arterial routes (Kilburn High Road). This would support a density of between 200 and 700 habitable rooms per hectare (Hrh).

1.11 Based on the information submitted it the proposed residential development site comprises of 0.0895 hectares and would have a total of a 63 habitable rooms, including bedrooms, living rooms, dining rooms and large kitchens. This would result in a residential density of 703hr/ha, which is only marginally over the limit of what is deemed acceptable in terms of density. It should be noted that the site is four storeys high and all of the flats are of an appropriate size and provide high levels of internal amenity. As such Officers conclude that despite being slightly above the guided limits, the proposal would not result in overdeveloped site.

1.12 In conclusion, the proposed development would not result in an excessive built environment on site, and layout and provides a satisfactory quality of residential environment and an acceptable level of accommodation for future occupiers of the development, complying with The London Plan 3.4, Policy CP6 of the Core Strategy, Policy DMP1 of the Local Plan and SPG17.

Affordable Housing

1.13 London Plan Policy 3.13 requires affordable housing provision on a site which has capacity to provide 10 or more homes. Meanwhile Policy 3.11 and 3.12 require boroughs to maximise affordable housing provision and seek the maximum reasonable amount of affordable housing when negotiating on private residential schemes. Core Strategy Policy CP2 and Local Plan Policy DMP15 state the borough will aim to achieve the London Plan target of 50% of new homes to be affordable. Local Plan Policy DMP 15 summarises the overall policy position:

"Brent's Core Strategy policy CP2 sets the target that 50% of new homes delivered in the borough will be affordable. The maximum reasonable amount of affordable housing will be sought on individual residential and mixed use developments on sites with the capacity to provide 10 or more homes.

Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a development appraisal to demonstrate that schemes are maximising affordable housing output. The Council will rigorously evaluate such appraisals."

1.14 An initial financial viability assessment was submitted by the applicant which concluded that affordable housing provision was not viable with the scheme. Following this, the Council undertook an independent assessment of the applicant's viability submission with BNP Paribas, and their appraisal is currently showing a deficit of circa £600k against the benchmark. However it was noted that an increase in sales values of just 8.5% is needed to break into a surplus, and as such the development is therefore deemed viable whilst providing affordable housing in the view of the Council.

1.15 As the scheme would still be delivering affordable housing at a level well below Local Plan policy (50%), and as it is accepted the Council would also require an appropriate s106 post implementation review mechanism. BNP Paribas in their assessment also explicitly recommend that Brent Council secure an appropriate s106 post implementation affordable housing review mechanism. This will ensure that if the development becomes more and eligible for a affordable housing contribution in the future, a payment can be made to the Council to fund an offsite provision. This has been agreed to by the applicant.

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 and DMP18 state that it is important that development provide high levels of internal amenity and create a high quality environment, and should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings' and 'Technical Housing Standards'. This is supported by Supplementary Planning Guidance 17.

2.3 The proposal includes the creation of 5 x three bedroom properties (family sized units), 11 x two bedroom units, and 5 x one bedroom units. 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.

2.4 All residential units would meet minimum space guidelines. The proposed flats would be acceptable in terms of layout, room size, and storage. All flats would be either multi-aspect or south facing and the internal living spaces would receive good levels natural light, outlook and ventilation. Whilst a number of the units include windows which look immediately onto the neighbouring 1b Dyne Road, these windows serve bedrooms or are secondary windows to living rooms. The habitable rooms of all of the units provide acceptable levels of outlook. The proposal complies with the Local Plan Policy DMP 1 and DMP18 and SPG17

Outdoor Amenity

2.5 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.

2.6 Although the development would not meet this standard, all of the flats are provided with some sort of private outdoor amenity space, either through a garden, terrace or balconies, varying from 7sqm up to 39sqm. The site also includes a good sized communal garden at the rear, which measures approximately 70sqm.

2.7 Of the five family sized units, the two ground floor flats would be provided with the least amount of private garden space (16sqm and 20sqm), and as these gardens are located to the front of the units, and face onto the street, they would not be private. However, both ground floor properties are located immediately next to the communal rear garden, which helps compensate for this.

2.8 Whilst it is acknowledged that this provision is not exceptional, it is judged that on balance the overall living conditions of the proposed units would be good.

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 existing character of this end of the street consists of traditional 3-storey brick buildings with pitched (or mansard) roofs. The current building matches the adjacent no. 1B and buildings opposite in terms of style, materials and roof scape. Adjacent buildings on Kilburn High Street are also traditional terraces with some heritage buildings. Dyne Road itself is characterised by 2.5-storey, traditional, pitched roof residential buildings within the Conservation Area to the west.

3.4 The proposal would not harm the existing character of the street. The change in height from a 4-storey façade (including dormers within the roof) to a 5-storey building, is considered acceptable, especially

considering and additional floor has recently been approved at the adjacent 1b Dyne Road (ref: 16/2769). Especially as the additional floor is set back from the boundary edge and is to be clad in slate, ensuring the additional floor remains subservient in scale and appearance in comparison to the building below. Due to there being some existing variation within the streetscene the proposal would not appear out of place or too prominent.

3.5 The three storey side extension is to be constructed of matching materials and include corresponding fenestration. The extension is deemed to be acceptable in height and scale and relates well to both the existing building and the existing streetscape, allowing for a stepped raise in height between the rear of 325 Cricklewood Broadway and the main building of 1a Dyne Road.

3.6 At ground floor level, the scheme would create an active frontage along Dyne Road while creating a clear private/public separation and maintaining sufficient privacy for future occupiers of the ground floor flats.

3.7 In conclusion, the works are regarded as being appropriate in scale and sympathetically designed. Furthermore the proposal is deemed as being compatible with its neighbours and setting. It is therefore considered to be visually acceptable and in accordance with Core Strategy Policy CP17, Local Plan Policy DMP1 and SPG17.

4.0 Neighbouring Residential 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 SPG 17.

Daylight and Sunlight Assessment

4.2 The proposed development could potentially impact residential properties, most notably Nos. 325 and 331 Kilburn High Road

4.3 In considering this, the Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site

4.4 Due to the relationship between the application building and nearby residential properties the application has been submitted with a BRE sunlight and daylight assessment. The report assessed the impact of the scheme on the neighbouring habitable windows of Nos. 325, 325a, 331 and 333 Kilburn High Road. The report demonstrated that the proposal would not result in an unacceptable loss of either daylight or sunlight at most of the neighbouring dwellings. Largely the impacts of the proposal would be within the tolerances of the BRE guidance and not materially affect the majority of surrounding properties. The report does however show that there would be a material loss of daylight to a window to 325a Kilburn High Road, with a VSC reduction over the BRE limit of 20%. Although the reduction in light to this window would be noticeable. It would be a 25% reduction and is not considered to be significantly harmful when considering the other windows to this property and the overall living conditions for the occupiers. Therefore the loss of daylight to neighbouring properties would be acceptable and not out of character of an urban setting.

Overbearing / Outlook

4.5 To ensure that development does not appear overly dominant or appear overbearing for any nearby occupiers, SPG 17 states that in general, the building 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.

325 Kilburn High Road

4.6 The nearest affected residential properties are the second and third floor units at 325 Kilburn

High Road, which are located in the outrigger of the property. To the west/rear elevation (which faces the development) there are two large windows, and a third smaller window. Due to the location of the larger rear windows (which appear to be at split level) and following a communication with the resident at 325a it appears that these windows serve a staircase/landing. The third smaller window appears to serve a bedroom. However, these are complimented at both second and third floor level by south facing windows, which look out onto Dyne Road. From the location of the south facing windows and the correspondence with the resident, Officers are convinced beyond reasonable doubt that the south facing windows form the primary outlook for the habitable rooms of No. 325a.

4.7 Whilst the size and location of the three storey side extension would affect the outlook and light to the rear window at second floor level, by enclosing it to the south, the window appears to only serve a landing/staircase and not a habitable room. When considering the other windows and different vantage point to this property, the living conditions of the unit as a whole would not be significantly harmed.

4.8 The third floor rear window would be less enclosed, being located above the side extension. However it would be affected by the additional floor and the creation of the roof terrace for Flat 17. In this instance though outlook is already severely constrained by the existing school building and Officers are satisfied that the additional floor would not harm outlook significantly enough to justify withholding planning permission. Moreover, the terrace would remain over 5m away and would be enclosed with a lightweight balustrade measuring 1.7m. The cumulative impact would be noticeable, but as the larger window is deemed to serve a staircase/landing, and the smaller bedroom window is supplemented by a secondary south facing window, the overall impact is therefore deemed to be acceptable on balance.

4.8 There are a further three more rear windows at No. 325, located to the rear of the main building, which appear to belong to at least one residential unit. At first floor level the window appears obscured. At second floor level the window would be partially enclosed by the side extension, but decent outlook is still maintained and the proposal would comply with the 30 degree line. The third floor rear window is less affected and any impact at this level is regarded as negligible.

327 Kilburn High Road

4.9 325 Kilburn High Road is separated from the rest of the terrace by a small service road/alleyway which turns off the High Road and runs along the rear of the properties, in between them and the application site. Nestled in between the 1a Dyne Road and No. 325 is No. 327a Kilburn High Road. No. 327a faces northerly onto the side alley and by virtue of its location and orientation, already suffers from limited light and outlook. Moreover, the building would be located behind the proposed side extension, which would have no significant further harm upon it. Finally, due to the property's location and orientation, the proposed additional floor is also not expected to have any significant impact upon the amenities of its occupiers.

331 Kilburn High Road

4.10 To the north of No. 325 and 327 is 331 Kilburn High Road, an end of terrace property which faces onto the main building of the site. Although a commercial unit at ground floor level, No. 331 contains residential units at first and second floor levels (Nos. 331a and 331B). The property is separated from the site by an alleyway/service road mentioned above, and located behind a very high wall. The additional floor would comply with the 45 degree line taken from the top of the existing wall. Meanwhile, in regards to the 30 degree line taken from the rear windows, the first floor window is obscured, and the proposal complies with the 30 degree line taken from the second floor. Consequently, no harm is expected to the residents of 331 Kilburn High Road.

Other Properties

4.11 To the south of the site is 2C-2F Dyne Road, a row of mixed use terraced properties containing commercial premises at ground floor level with residential units above. As these units are located a streets width apart and have been located opposite the existing large three storey music school, it is felt that in this instance, the erection of an additional floor, and the creation of a three storey side extension will not result in the dwellings being significantly over-dominated or suffering from a loss of outlook that would warrant the withholding of planning permission.

4.12 To the west is the 1B Dyne Court, which is a similarly sized commercial building which is to be

house the existing music school. Immediately to the north is Kingdom Hall, a single storey Jehovah's Witness church, and beyond that 52-54 William Dromey Court, a residential block. As the application site is over 20m away from the houses within the Court, the development is not considered to have a significant impact on the occupiers and use of this building.

Privacy

4.13 The new build would remain a road's distance away from the residential units at 2C-2F Dyne Road. No loss of privacy is expected to those properties. Meanwhile, any loss of privacy to 325-331 Kilburn High Road would be prevented by the inclusion of 1.7m high balustrades around the terraces of the east facing balconies. No significant loss of privacy is expected into neighbouring windows.

Noise

4.14 It is difficult to predict the likely level of noise that may emanate from a roof terrace. This is dependent on a number of factors, most importantly the size of the terrace. The largest proposed terrace or balcony, at 35sqm, would be of a modest size, meanwhile the communal garden is no larger than many private gardens seen around the borough. Reasonable use of the proposed units should not result in any significant disturbance to the neighbouring occupiers. The potential for the creation of unacceptable noise and disturbance would therefore be negligible.

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 As the site is very well served by public transport, any new off-street parking for the existing college would need to be justified by a Transport Assessment. The same rule applies to the community hall situated behind the site that shares use of the car park. The existing car park is therefore surplus to requirements, when assessed against current car parking standards.

5.3 With the community hall unaffected by this proposal, the reduction in the size of the rear car park to one disabled parking space for the hall (as required to fulfil legal contractual requirements) in order to provide amenity space for the new flats could displace parking onto adjoining roads, particularly in the evening when the local CPZ restrictions are not in operation. However, there is no record of any objections having been received from the operators of Kingdom Hall and on this basis, the removal of the car park can be accepted under current parking standards. Visitors to the hall have plenty of alternative public transport options available to them.

5.4 As the site has very good access to public transport services, the lower residential car parking allowances set out at Appendix 1 of the adopted DMP apply. Up to 17 car parking spaces would therefore be allowed for the 21 proposed flats and the proposed retention of just one disabled space within the rear car park (which is actually for the use of the hall) would accord with maximum standards.

5.5 However, Policy DMP12 requires that any overspill parking generated on-street can be safely accommodated. In this respect, Dyne Road is already noted as being heavily parked at night, so does not have the spare capacity to cater for additional demand from these proposed flats. Policy DMP12 does also encourage 'car-free' housing development in areas with good access to public transport services though, such as this. It is therefore recommended that a 'car-free' agreement be secured through a condition withdrawing the right of future residents to on-street parking permits and ensuring the owner of the building properly notifies all prospective residents of this restriction before they agree to take the flat. This has been acknowledged in the applicant's Design & Access Statement.

Access

5.6 The vehicular access to the rear of the site remains unaltered and is fine to serve just one car parking space. The pedestrian footway alongside it to access the hall is also to be retained as it is.

5.7 There is a redundant crossover and associated single yellow line on Dyne Road towards the eastern end of the site. Whereas this may have formerly served an off-street parking court, the proposed extension to the building will remove any potential for future use as a vehicular access. The crossover should therefore be removed and reinstated to footway at the developer's expense as a condition of any approval. The adjoining parking bays could then be extended to provide an additional on-street parking space.

Cycle and Refuse Provision

5.8 The London Plan requires a secure bicycle parking space for each one-bedroom flat and two spaces for larger flats. This gives a total requirement for 38 spaces. The proposed provision of just 10 spaces on external stands at the rear of the building falls well short of requirements both in terms of the number of spaces and the lack of shelter and security. Amended details are therefore sought as a condition of any approval.

5.9 Bin storage is proposed on the western side of the building, adjoining the driveway to the side. The store will be within 10m of Dyne Road, allowing refuse to be collected from the public highway without vehicles needing to enter the site. These arrangements are considered fine.

6.0 Energy and Sustainability

6.1 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, 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).

6.2 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% (33.6%) reduction in emissions against Part L 2013 (with the remaining emissions offset with a proposed Carbon Offset Payment of £33,138) and therefore complies with Brent's energy reduction policies.

Air Quality

6.3 London Plan Policy 7.14 and Local Plan Policy DMP1 seek to reduce the potential adverse air quality impacts of new major developments by requiring all major developments to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas and requiring mitigation measures to be implemented to reduce emissions where assessments show that developments could cause a significant worsening of local air quality or contribute to exceedances of the Government's air quality objectives.

6.4 The development is within an Air Quality Management Area and located very close to other residential properties. Construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Conditions have therefore been attached to minimise the impact on local air quality and protect the amenity of neighbours during construction.

6.5 Considering the need for the whole house installation with mechanical ventilation due to the exceedance of NO₂ and the use of individual low NO_x boiler in addition to the use ASHP and Photovoltaic technology as alluded in the applicant consultancy AQ and Energy report, there will be a need to minimize any negative impact of the development during the construction and operational phase due to onsite construction vehicle emissions and dust generation as well as to ensure that the proposed end user are not exposed to poor Air Quality. Conditions are recommended to secure these requirements.

Construction Management

6.6 A Demolition and Construction Management Plan (CMP) and Construction Logistics Plan (CLP) would be required to ensure that there is no harmful impact on neighbours and on the local highways network. The Demolition and CMP shall include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The CLP shall be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only.

Other Matters

6.7 Core Strategy Policy CP15 states that before granting planning permission for major proposals, the council will have to be satisfied that the infrastructure requirements arising from the scheme will be met by the time it is needed. Contributions noted within the recommendation will be sought from development giving rise to the need for new infrastructure.

Disable Access

6.8 The site would have relatively level access and a condition is recommended to ensure that not less than 10% of residential units shall be constructed to wheelchair accessible requirements Building Regulations M4(3), with private units provided as Easily Adaptable. This would be in accordance with London Plan standards at Policy 3.8. A disabled parking space would be provided which is considered acceptable.

6.9 The proposals would therefore ensure that accessible and adaptable accommodation and space are provided within the development and would meet the principles of inclusive design. The proposals therefore comply with Brent and London Plan policy regarding accessibility and inclusive design

CIL DETAILS

The proposal is liable to pay CIL as set out below despite providing less than 100sqm of new floorspace 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 **£592,666.18*** 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): 2002 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	2002	0	2002	£200.00	£35.15	£504,075.00	£88,591.18

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)	282	
Total chargeable amount	£504,075.00	£88,591.18

*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: 17/2068

I refer to your application dated **09/05/2017** proposing the following:

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

and accompanied by plans or documents listed here:

J3023-50/P7; 51/P6; 52/P7; 1000/P5; 1001/P5; 1002/P7; 1003/P6; 1004/P6; 1005/P5; 1006

Air Quality Statement
Energy Statement
Noise Assessment

at **1A Dyne Road, London, NW6 7XG**

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

Date: 03/08/2018

Signature:

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

Alice Lester
Head of Planning, Transport and Licensing

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2018)
London Plan (2016)
Mayor of London Housing SPG (2016)
Core Strategy (2010)
Local Plan (2016)
SPG17: Design Guide for New Development (2001)

Core Strategy and Development Management Policies:
CP 1 Spatial Development Strategy
CP2 Population and Housing Growth
CP6: Design and Density
CP17 Protecting and Enhancing the Suburban Character of Brent
CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
CP21 A Balanced Housing Stock
DMP 1 Development Management General Policy
DMP 11 Forming an Access on to a Road
DMP 12 Parking
DMP 15 Affordable Housing
DMP 18 Dwelling Size and Residential Outbuildings
DMP 19 Residential Amenity Space

- 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):

J3023-50/P7; 51/P6; 52/P7; 1000/P5; 1001/P5; 1002/P7; 1003/P6; 1004/P6; 1005/P5; 1006

Air Quality Statement
Energy Statement
Noise Assessment

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

- 3 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 4 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: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 5 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

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

Reason: In order to protect and conserve water supplies and resources in order to secure London's needs in a sustainable manner. This is to accord with relevant policies in the London Plan (2016), Brent's Core Strategy (2010) and Brent's Development Management Policies (2016).

- 7 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3), with the private units meeting easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users and to future proof homes.

- 8 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

(b) proposed walls and fences indicating materials and heights;

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

(d) areas of hard landscape works and proposed materials;

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 and ensure that it enhances the visual amenity of the area.

- 9 No occupation of the building hereby approved shall occur until the developer has reinstated the redundant crossover to Dyne Road to footway and extended adjoining on-street parking bays. This is to be undertaken at the developer's expense prior to occupation of the development.

Reason: To ensure adequate vehicle and pedestrian movement and safety.

- 10 Occupation of the approved flats shall not commence until both the refuse provision of 8 bins and cycle-storage suitable for storing a minimum of 38 bicycles has been installed in accordance with the agreed details. They shall thereafter be retained for the life of the development.

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

- 11 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

- 12 Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

- 13 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 14 The proposed development is in an Air Quality Management Area and therefore prior to the commencement of use an air quality impact assessment shall be submitted for approval to 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. All approved mitigation measures shall be implemented in full, and this must be ensured through the use of appropriate conditions. The assessment should be in line with the methodology within the IAQM Planning for Air Quality dated January 2017.

Reason: To protect acceptable local air quality, in accordance with DMP1.

- 15 An Air Quality Neutral Assessment must be undertaken in accordance with guidance published

by the Greater London Authority (GLA) and submitted to the Local Planning Authority for approval. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral and shall include building and transport emission assessments.

Reason: To protect acceptable local air quality, in accordance with DMP1.

- 16 Details of the privacy screening on the balconies/roof terraces shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development hereby approved. The development shall be constructed in accordance with the approved details prior to the occupation of the residential units and retained for the lifetime of the development.

Reason: To safeguard the neighbouring amenity.

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 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 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