

MRPP

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PLANNING STATEMENT

**MIXED USE REDEVELOPMENT OF
110 WALM LANE, WILLESDEN
GREEN**

JANUARY 2018

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1. INTRODUCTION

- 1.1 This Planning Statement supports the application for full planning permission by Redbourne (Queensbury) Ltd to replace the existing building (containing a public house and former members club) with a mixed use development comprising a public house with function room (A4), and 48 residential flats (C3).
- 1.2 This application follows the refusal of a prior planning application (13/3503) by the previous landowner in March 2014, and dismissal of the subsequent appeal (APP/T5150/A/14/2219081) in March 2015.
- 1.3 The purpose of this Statement is primarily to address the relevant land use considerations. Design related considerations are addressed within the submitted Design & Access Statement, produced jointly between MRPP and GML Architects. Heritage considerations are addressed within the submitted Heritage Statement.
- 1.4 Section 2 of this report will establish the decision making framework here. Section 3 considers LB Brent's housing supply situation. Section 4 considers the planning implications arising from the existing uses on site. Section 5 identifies and explains the proposal's planning benefits. Section 6 provides an overall planning assessment of the proposal. Section 7 concludes the Statement.

2. DECISION TAKING FRAMEWORK

- 2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

- 2.2 The development plan comprises *inter alia* the adopted Core Strategy (2010), the adopted Site Specific Allocations (2011), the Development Management Policies (2016), and the London Plan (March 2016).

Material Considerations

- 2.3 The National Planning Policy Framework is an important material consideration in the determination of planning applications. The National Planning Practice Guidance is also a relevant material consideration.
- 2.4 The NPPF advises that weight may be given to *“relevant policies in emerging plans according to...the stage of preparation...the extent to which there are unresolved objections...and, the degree of consistency of the relevant policies in the emerging plan to the policies in this framework”*.¹
- 2.5 The GLA published the draft London Plan in December 2017, which carries some weight at this stage.
- 2.6 The Council has adopted SPG/SPDs – in particular SPG17 (‘Design Guide for New Development’) – as well as emerging supplementary guidance, notably the draft SPD1 (‘Brent Design Guide’).

¹ Paragraph 216, NPPF

Heritage Framework

- 2.7 The site falls within a conservation area and in proximity to a listed building and second conservation area. Therefore, the statutory tests within the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant here also.
- 2.8 Section 72 confers a duty upon local planning authorities that *“with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 2.9 Similarly, Section 66 requires that *“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest or historic interest which it possesses”.*

3. HOUSING SUPPLY

- 3.1 In 2008, LB Brent became subject to a housing supply target of 1,120 new homes per annum². The London Plan (2015) updated LB Brent's target to 1,525 new homes per annum.
- 3.2 This is an ambitious target for Brent, given capacity within the borough. The Council agrees, indeed voicing its concern when the London Plan was consulted on in early 2014. It resolved that the increase *"will be very hard to meet if development trends from recent years are projected into the future"*³. Consequently it formally responded to the consultation explaining that *"the significant pressure the new housing targets will place on land and infrastructure is of considerable concern"*, and advised that, in respect of LB Brent, *"account should therefore be taken of the multiple constraints impacting on housing delivery when setting the new housing target."*
- 3.3 The Council's difficulties in meeting its London Plan target were considered in the Inspector's determination of the previous appeal here⁴. Whilst the appeal was dismissed on heritage grounds, the Inspector reported within his decision letter that *"it was acknowledged at the inquiry that, following publication [of the London Plan (March 2015)] the Council would no longer be able to demonstrate a 5-year supply of deliverable sites"*⁵.
- 3.4 The Council published in April 2015 the Brent 5 Year Housing Land Supply Report which concluded that a 5.1 year supply could be demonstrated. The 2015/16 Annual Monitoring Report found that the borough had a 5.16 year supply of deliverable housing sites.

² London Plan 2008

³ Paragraph 3.5, Officer Report to Planning Committee, 19th February 2014

⁴ APP/T5150/A/14/2219081

⁵ IR80

- 3.5 The draft London Plan sets an emerging housing target for Brent of 2,915 net new homes per annum – almost double the current target.
- 3.6 Brent’s housing land supply has not been considered as part of any subsequent appeals elsewhere in the borough, or within any more up-to-date Council documents – e.g. annual monitoring reports or position statements.
- 3.7 There is a real risk that without a positive approach to decision making in Brent, the supply of deliverable housing sites could drop below the five-year objectively assessed need.
- 3.8 This proposal would deliver 48 high quality residential flats, and thereby significantly contribute to ensuring that Brent has an adequate supply of housing sites.

Affordable Housing

- 3.9 Brent’s Policy DMP15 explains that *“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.”*
- 3.10 The emerging London Plan sets out a slightly different approach. It also seeks 50% affordable housing across Greater London, but champions the affordable housing Fast Track Approach as a way *“to provide greater certainty, speed up the planning process, and increase affordable housing delivery”*⁶. Where developers propose 35% affordable housing, that figure should be accepted by LPAs without the need for viability testing.

⁶ 4.5.2, Draft London Plan

- 3.11 Financial viability analysis of the applicant's proposal calculates that, of the 48 flats, the proposal can sustain no more than circa 30% affordable housing. However, in this instance, the applicant is supportive of the Mayor's Fast Track Approach, and consequently is prepared to speculate an additional circa 5% (thereby increasing the proposal's proportion of affordable housing to 35% by habitable room), on the basis that it would provide them with greater certainty, reduce time and cause less professional cost on the way to a potential planning permission.
- 3.12 The affordable housing would be served via a separate core to maximise the prospects of interesting a registered provider, and would be delivered as a 70/30 mix in favour of social/affordable rented tenure (over shared ownership).

4. EXISTING USES

- 4.1 The building was originally (from 1893) used as a doctor's surgery with residential accommodation above, until 1911 when it was occupied by the Conservative Club. In 2001 the northern part of the building was converted into a café/bar, now operated as The Queensbury PH. The Conservative Club has since vacated the remainder of the building.
- 4.2 The building's only active existing use is therefore as a public house (A4). It is recognised that there is an informal arrangement with local community groups to use the pub space, during the mornings of Monday to Saturday.
- 4.3 The building is registered as an Asset of Community Value (ACV).
- 4.4 The planning policy position with respect to the existing use is succinctly and accurately explained by the Inspector into the previous appeal:

“The NPPF seeks positive planning for the provision and use of community facilities, including public houses, to enhance the sustainability of communities and residential environments, and advises that the unnecessary loss of valued facilities should be guarded against. LP Policy 4.8 has been altered by the FALP to require local development plans to provide a policy framework for maintaining, managing and enhancing local facilities and to develop policies to prevent the loss of valued local community assets, including public houses. The supporting text to the policy explains the Mayor's recognition of the important role that London's public houses can play in the social fabric of communities. LP Policy 3.1 requires development proposals to protect and enhance facilities that meet the needs of particular groups and communities, while LP Policy 3.16 seeks the protection and enhancement of social infrastructure. Consistent with the NPPF guidance, CS Policy CP23 seeks to protect existing community and cultural facilities that support community participation and development, and

this is reflected in the emerging DDMP, which identifies public houses among the elements of social infrastructure.”

- 4.5 The proposal would re-provide a public house, of greater planning merit to the existing facility, as well as an integral function room.
- 4.6 The existing public house has a floorspace of 325m². The proposed public house and function room would have a total floorspace extending to 486m², and outdoor seating would be maintained. The unit has been purpose designed and hence would have increased functionality, such that there would also be qualitative benefits.
- 4.7 The applicant is content for planning permission to be subject to a condition removing permitted development rights to change the use of the public house unit without planning permission.
- 4.8 The above provisions render the proposal ‘policy compliant’ in respect of the existing uses on-site. The provisions are superior to those put forward as part of the dismissed proposal, which the Inspector found acceptable⁷.

⁷ IR72

5. BENEFITS

- 5.1 The replacement of the existing public house with a purpose-designed public house, with function room, would allow a more effective and viable operation at the site, helping to secure a more sustainable, long term future for this use, and would allow local community groups to continue to use the site into the future.
- 5.2 In a situation where the Council's case for a five year supply of housing sites is so marginal, and has not been updated recently, the provision of 48 new residential units would be an important benefit for the borough.
- 5.3 The applicant is offering 35% affordable housing, by habitable room,⁸ with a policy compliant 70/30 split.
- 5.4 The investment/employment that would be generated through the construction of the proposal would generate some local benefit.
- 5.5 The NPPF promotes the benefits of mixed use development identifying it as a 'Core Planning Principle' and explaining that it creates "*opportunities for meetings between members of the community who might not come into contact with each other*"⁹.
- 5.6 Contrary to the previous dismissed scheme, the proposed scheme would satisfy the statutory¹⁰ and policy tests relating to heritage impact.

⁸ On the condition that the LPA employs the Mayor's Fast Track Approach

⁹ Paragraph 69, NPPF.

¹⁰ s66 and s72 of the Listed Buildings Act 1990

6. OVERALL ASSESSMENT

- 6.1 The benefits explained in the previous chapter need to be weighed against the proposal's impacts. Should these be outweighed by the benefits then planning permission should be granted¹¹.
- 6.2 The deficiencies of the previous appeal scheme have been carefully addressed in the proposed scheme. In particular, much attention has been focused on the likely heritage impacts and the importance of addressing the concerns identified by the appeal Inspector. We believe that the proposed scheme addresses these concerns and now satisfies the various statutory and policy tests. The accompanying Heritage Impact Assessment concludes, the proposal's *"impact on the character and appearance of the conservation area [as a designated heritage asset] and the setting of the nearby listed building would be broadly neutral"*¹².
- 6.3 The proposal's benefits, set out at Section 5 of this statement, are numerous and weighty.
- 6.4 Therefore, overall, the proposal would be beneficial in planning terms, and hence planning permission should be granted.

¹¹ If the Council has less than a five year supply of deliverable housing sites then Paragraphs 49 and 14 of the NPPF render the development plan out-of-date, and planning permission should be granted unless the impact of doing so would significantly and demonstrably outweigh the benefits.

¹² Paragraph 7.11, Heritage Impact Assessment.

7. CONCLUSION

- 7.1 The proposal is for the redevelopment of the site, which accommodates simply a public house (A4), with a development of a replacement public house with function room (A4), and 48 residential flats (C3).
- 7.2 It follows an earlier refused application, and appeal dismissed solely on the grounds of heritage impact.
- 7.3 The site falls within a conservation area, and in close proximity to another conservation area and listed building.
- 7.4 The provision of an improved replacement public house with function room is a substantial planning benefit.
- 7.5 LB Brent has a marginal five year housing land supply position. The provision of 48 new flats (of which 15 would be affordable), is therefore an important planning benefit.
- 7.6 The accompanying Heritage Impact Assessment finds that the proposal would have a 'broadly neutral' effect on surrounding designated heritage assets. This is a much more favourable position than with the dismissed scheme, which the Inspector found would be harmful, and a position which satisfies the relevant statutory and policy tests.
- 7.7 On the basis that the proposal would deliver numerous weighty benefits, and that the effect on heritage assets would be broadly neutral, it would, overall, be beneficial in planning terms. Planning permission should therefore be granted.