Committee Report
Planning Committee on 18 March, 2009

Item No. 3/04
Case No. 09/0205

RECEIVED: 4 February, 2009
WARD: Alperton
PLANNING AREA: Wembley Consultative Forum
LOCATION: WINDSOR HOUSE, 185-195 Ealing Road, Wembley, HA0 4LW
PROPOSAL: Demolition of existing building and erection of a 7 and 8 storey block comprising a 158sqm retail unit (Use Class A1) and 104sqm office unit (Use Class B1) on the ground floor, and 31 self contained flats on upper floors, car free development with servicing, associated landscaping, disabled parking, cycle parking and amenity space, as amended and supplemented by Statement in Support of Planning application; Design and Access Statement; PPG24 Noise Survey and Assessment Report; Sustainable Energy, Renewable Technology & Sustainable Urban Drainage Statement Revision A; Daylight and Sunlight Report February 2009; Transport Statement

APPLICANT: ASRA Greater London Housing Association
CONTACT: CgMs Consulting
PLAN NO’S: 1/0001 - Location Plan
1/0002 - Existing site plan
1/0003 - Existing NW elevations
1/0004 - Existing SE elevations
1/0005 - Existing SW elevations
1/0006 - Existing NE elevations
1/0010 - Proposed ground floor plan
1/0011 Rev 01 - Proposed first floor plan
1/0012 Rev 01 - Proposed second floor plan
1/0013 Rev 01 - Proposed third floor plan
1/0014 Rev 01 - Proposed fourth floor plan
1/0015 Rev 01 - Proposed firth floor plan
1/0016 Rev 01 - Proposed sixth floor plan
1/0017 Rev 01 - Proposed seventh floor plan
1/0018 Rev 01 - Proposed roof plan
1/0020 - Proposed NW elevations
1/0021 Rev 01 - Proposed SE elevations
1/0022 Rev 01 - Proposed SW elevations
1/0023 Rev 01 - Proposed NE elevations

RECOMMENDATION

(a) To delegate authority to the Director of Planning to determine this planning application following the conclusion of the statutory consultation period on 25 March 2009 and the consideration of any further objections that are received on the basis that members would otherwise grant planning
permission subject to the completion of a satisfactory Section 106 agreement on the heads of terms as set out below (or amended heads of terms as agreed by the Director of Environment and Culture or duly authorised person), the exact terms thereof agreed by the Director of Planning on advice from the Borough Solicitor; but
(b) if the legal agreement has not been entered into, or your officers remain unsatisfied with the application by the application’s statutory expiry date of 6th May 2009, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and
(c) if the application is refused for the reason in b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory section 106 has been entered into and all other parts of (a) are satisfied.

SECTION 106 DETAILS

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

a. Payment of the Council's legal and other professional costs in
   (i) preparing and completing the agreement and
   (ii) monitoring and enforcing its performance

b. 39% Affordable Housing – three 3-bed (SR) seven 2-bed (3 SO, 4 SR) and two 1-bed (SR).

c. A contribution of £153,000 (£3,000 per bedroom, reduced to £2,400 per bedroom for for AH units), 50% due on material start and 50% 6 months after MS, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

d. A contribution of £5,000 towards establishing a Car Club Scheme for residents, due on material start.

e. Permit Free – residents are not to be issued a car parking permit for any existing or future Controlled Parking Zone in the area.

f. Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.

g. Offset at least 23% of the site’s carbon emissions through on-site renewable generation.

h. Join and adhere to the Considerate Constructors scheme.

i. A contribution of £3,000 towards the provision of street trees within the locality

Members should note that the applicants have informally indicated agreement to terms (a-h) above, only head of term (i) is outstanding at the time of writing this report.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.
EXISTING

The site is located on the south-eastern side of Ealing Road, a designated London Distributor Road. It is currently occupied by Windsor House, a part 3-storey/ part 4-storey office block. The building has a 29 space car park to the rear accessed from a service road via Atlip Road. The site lies outside of the designated boundary of the Ealing Road Town Centre. However, it has a PTAL rating of 4 and Alperton rail station and a total of six bus routes pass within 640 metres of the site.

The neighbouring site to the north-east, formerly the Alpine Horn public house, is also owned by the applicants. A residential development comprising 37 flats in two blocks, a six storey block facing Ealing Road and a 4 storey block to the rear has recently been constructed on this site. The scheme was granted planning permission in 2006 under reference 05/1323. The flats are now known as Hayes Court, 183 Ealing Road and are largely occupied.

The neighbouring site to the south-west is the Bethel Community Centre, Church of God of Prophecy which is sited on the corner of Atlip Road. Atlip Road runs in a north-west, south-east direction. There is a car-park to the rear (south-east) of the site, accessed via Atlip Road and beyond this is 2 Atlip Road (the Dadoos site).

PROPOSAL

Demolition of existing building and erection of a 7 and 8 storey block comprising a 158sqm retail unit (Use Class A1) and 104sqm office unit (Use Class B1) on the ground floor, and 31 self contained flats on upper floors, car free development with servicing, associated landscaping, disabled parking, cycle parking and amenity space

HISTORY

14/08/08 – 08/1639 – Refused
Demolition of existing building and erection of a 7-storey block, comprising a 174m² retail unit (Use Class A1,) and 109m² office unit (Use Class B1) on the ground floor and 30 one- and two-bedroom flats on the upper floors; and erection of a 3-storey block, comprising 3 four-bedroom dwellinghouses. A car-free development with servicing and associated landscaping

The application was refused for the following 7 reasons:

1. The sole proposed vehicular access by reason of its width and height is not sufficient to allow 2 vehicles to pass one another or to provide the space required for large vehicles to turn into or within the site safely. This failure to accommodate refuse vehicles, emergency vehicles or the majority of commercial delivery vehicles, will lead to deliveries taking place from Ealing Road. Furthermore, the inability of the proposed access to allow 2 vehicles to pass one another when combined with the proposed position of the gates across the access, could lead to highway obstructions when vehicles have to wait whilst the gates are opened. This is contrary to policies TRN3, TRN14, TRN34 of the adopted UDP 2004 and detrimental to the free and safe flow of traffic on this heavily trafficked and congested road and bus route.

2. The proposal would result in a substandard form of accommodation detrimental to the amenities of future occupiers by reasons of the insufficient size of 20% of the flat units, 20% of the proposed flats having a solely north-westerly aspect, the proximity of main habitable room windows within the proposed 3 houses 4.6m from the rear boundary of the site compromising the privacy of future occupiers and the inadequate size and quality of amenity space for all of the proposed residential units. As such the application is contrary to Brent’s Unitary Development Plan policies STR19, BE9, BE11, H12, H18 and SPG17.
3 The proposed front building at 185 sited 12.5m from the north-westerly projecting wing of the rear block of flats at 183 Ealing Road, creates direct overlooking between 21 habitable rooms within the respective developments. The applicants have failed to demonstrate how this may be successfully mitigated and this will therefore harm the privacy of the future occupants of both developments contrary to policies STR19, BE9, H18 and SPG17.

4 The applicants have failed to demonstrate adequate provision of parking for disabled people and as revised have failed to provide sufficient cycle parking for developments at 183 and 185 Ealing Road. This is contrary to policies BE4, TRN11 and TRN35 of Brent's Unitary Development Plan that seek to ensure that adequate provision is made for people with disabilities and cyclists.

5 The proposed development has failed to achieve and employ sustainable design principles and without sufficient evidence to support the application, the proposed residential development will not contribute towards any energy conservation, air quality, sustainable construction and would significantly impact the natural and social environment contrary to policies STR3 and BE12 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 19: "Sustainable Design, Construction & Pollution Control".

6 In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space with substandard amenity space on site and without contributions to enhance open space, sports or make other contributions to improve the environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004 and the adopted S106 Planning Obligations Supplementary Planning Document.

7 In the absence of a legal agreement to ensure that future residents are not eligible for on-street parking permits, and to seek contribution towards the establishment of a CPZ and Car Club, the development would result in additional pressure on on-street parking that would prejudice the free flow of traffic and conditions of safety along the neighbouring highway. As a result, the proposal is contrary to policies H19 and TRN23 of Brent's adopted Unitary Development Plan 2004.

POLICY CONSIDERATIONS

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

Unitary Development Plan 2004

STR3 – the development of previously developed land will be maximised.

STR11 - seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
STR19 – new housing development should reduce the need to travel, give preference to the use of pdl, and provide an acceptable level of amenity of existing and proposed residents

BE1 - requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE3 - relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE4 - states that developments shall include suitable access for people with disabilities.

BE5 - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

BE7 – A high quality of design and materials will be required.

BE9 - Creative and high-quality design solutions are required specific to site’s shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality materials.

BE11 – higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations

BE12 - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

BE17 – Building services equipment should be accommodated inside proposed buildings primarily, or in an inconspicuous location

EP3 - requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

H9 – On developments greater than 15 dwellings, a mix of units will be required having regard to local circumstances.

H10 – New residential accommodation should be self-contained.

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and
internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking, where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

**H13** - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

**H14** - States that planning permission will be refused where development would under-utilise a site.

**H15** - States that the density and height of any buildings behind the rear build-line of existing housing, should be subsidiary to the street fronting development.

**H18** – flat conversions should provide an acceptable standard of accommodation to future residents

**H19** - flat conversion schemes should have a safe and convenient pedestrian access

**TRN3** - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused.

**TRN4** – Where transport impact is unacceptable, measures will be considered that could mitigate against this.

**TRN11** - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

**TRN14** – New accesses to development should be designed to a satisfactory standard

**TRN22** – Parking for non-residential developments should take into account the maximum standards set out within the UDP.

**TRN23** - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

**TRN34**- Servicing facilities are required for all new development

**TRN35** - states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

**EMP9** – states development of Local Employment sites for uses other than employment will not normally be permitted unless there are unacceptable environmental problems arising from the use of the site as employment use, or there is no effective demand for the premises. Housing is an appropriate redevelopment of the site in these circumstances.

**SH5** – out of centre proposal for retail development will only be permitted where the proposal will not have an unacceptable impact on the vitality and viability of the centre.

**SH31** - Further expansion of Ealing Town Centre beyond the defined boundaries will be resisted.
SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, so that the maximum amount of sustainable measures can be incorporated in the proposal up-front. The applicants have submitted a “Sustainable Energy, Renewable Technology and Sustainable Urban Drainage Statement,” and a Sustainable Development Checklist, and they score themselves at 51.

The site is within a Growth Area, where there is a requirement for Code of Sustainable Homes Code level 4 and 20% from on-site renewables. Whilst Code 4 is desirable Code 3 is accepted in this location based on the submitted Toolkit viability assessment and the provision of 23% on-site renewables, (which is above policy requirements.)

Officers initially have asked the applicants for clarification on a number of issues:

- Secured by Design
- Energy efficiency
- Use of CHP
- Renewable energy technologies

The applicants have submitted revised information received 03/03/09, and this has been reviewed. The Council has further concerns about the accuracy of the information submitted, and as a result has not been able to award the development a Sustainable Development Checklist score at the time of writing this report. Heads of Terms will need to be secured to make the development acceptable by scoring 50% on the Council's Checklist.

The Planning Policy Officer has provided further comments regarding the accuracy of addition of some figures, the baseline calculations regarding electricity demand, the baseline values for CO2 emissions and the use of the gross and net CO2 savings.

The applicants are to provide further information before committee so that officers can assess whether the applicant’s Sustainability Checklist self-score of 51% is realistic.

CONSULTATION

09/02/09 and 27/02/09 and 04/03/09– 46 properties consulted

Members should note that the 21 day statutory consultation period for properties notified later in the application process will not have expired by the date of committee. This only relates to the new flats within 183 Ealing Road (Hayes Court) and also relates to a Management Company linked to the site owner of the car park/ Dadoos site to the rear. The statutory expiry date for comments for the final letter of notification is 25th March 2009.

At the time of writing this report 1 letter of objection has been received, raising the following issues:

- The proposal will entail an increase in congestion on and around Atlip Road. Currently this road is not adopted and church users park freely and safely on the side of the road adjoining the church. This will be jeopardised.
- The likely increase in demand to park in the local area as a result of the proposed development, (particularly in conjunction with the development underway at 183 Ealing
Road,) is also an issue, as some church functions require the church car-park to be used for activities displacing further vehicles and people into Atlip Road, further pressuring this space. Occasional church events attract up to 400 people.

- The proposed building will overshadow the adjoining church building and reduce light to the rear of the main church sanctuary.
- The size of the proposed building design is not in keeping with the character of the area and other buildings in the area.
- The number of proposed flats is not in keeping with the area.
- There will be problems with the increased noise, smell, dust and traffic generally.
- The church raises concern about the proximity and number of proposed residential properties immediately adjoining their own building. They do not want residential properties to be approved when future occupiers may raise objections to the long opening hours of the Bethel Centre and the associated noise and disturbance generated by the centre.
- The centre creates noises such as singing, music, preaching and worship. The church wants to avoid the possibility of a noise nuisance order being imposed upon them as a result of future occupants’ complaints. This would affect the viability of the church and could result in the loss of important community uses. If the London Borough of Brent is minded to grant permission the church requests assurances, in writing, that the flats will be sufficiently soundproofed to a level to ensure there will be no complaints about the Bethel Community Centre.
- If this proposal is allowed there would be a loss of an employment/community land use.

Landscape- objection
The amenity space is poorly detailed and designed. The streetscene would benefit from the provision of 5 trees, which will enhance the local public realm and should be sought through s106.

Highways- no objections
The proposed layout and access arrangement as amended removes previous objections to a sole access from Ealing Road. A high quality of materials is required for the shared surface area. The one-way system through the site must be enforced. A s106 should safeguard contributions towards non-car access/highway safety improvements, parking controls and a car club, in addition to a car-free agreement.

Urban Design – no objection
Windsor House currently holds little architectural merit. The quality of the proposal will be determined by the detailing and materials used. Greater articulation of the flank wall could be introduced through the use of light. The height of the ground-floor shopfront should be raised. The fenestration of the front and rear elevations does not appear particularly cohesive. Amendments to introduce greater articulation are suggested.

Housing – no objections
The applicant proposes 39% affordable housing by unit, 43% by habitable room. The application should be considered in the context of the pattern of development within the local area that provide for a higher than policy level of affordable housing. The level of affordable housing proposed on 185 Ealing Road is therefore acceptable in terms of delivering a balanced housing supply within the local area. (The proposed affordable housing tenure mix is broadly in line with the 70:30 rent: intermediate ratio set down in the London Plan and is also acceptable.) Following revisions to previous proposals, the applicant proposes three larger three bedroom flats split between the first and second floors, which are all for social rent. A number of smaller two bedroom family units are also provided. Therefore, given the constraints of the site, the proposed unit size mix is acceptable to housing.

Environmental Health – no objections, but recommend conditions
The development is within an Air Quality Management Area and the applicant should consider measures to prevent dust entrainment during building. The applicant would be expected to sign up to the Considerate Constructors Scheme.
Conditions recommended requiring further information of noise generated by proposed plant, and post-completion acoustic tests to ensure reasonable noise levels are achieved in habitable rooms and amenity areas.

Thames Water recommend informatives

REMARKS

Introduction
The application proposes to demolish Windsor House, a currently vacant 3-4 storey office building. The application site will be re-developed with a 7-8 storey block fronting onto Ealing Road. This will have a retail and office unit on the ground floor and thirty-one 1, 2 and 3 bedroom flats on the upper floors. The site will be accessed by a limited number of vehicles via a one-way system off Atlip Road, which will provide access to a shared surface for the application site and 183 adjoining, (which is also in the applicant’s ownership.) Vehicles will exit the site via an archway under 183. The proposal also incorporates secure cycle enclosures and a useable amenity area in excess of 159sqm in addition to balcony areas.

Policy issues arising from Proposed Uses
The proposal incorporates 262sqm of commercial floor-space and an internal commercial bin store. The provision of 104sqm of B1 use class is less than that currently provided on site by Windsor House. Policy EMP9 permits the redevelopment of a site in employment use when “there is no effective demand for the premises and there is no reasonable prospect in the medium term of re-use...” The applicants state that the site has “remained vacant and on the market for many months, and no employment use has been forthcoming.” This has not been substantiated; however, your officers have confirmed that the building’s previous occupier London West Access To Work Business Centre vacated the premises in early 2007. The net loss of B1 use class under these circumstances is deemed acceptable. The loss of vacant office space within another building in the locality (Alperton House) due to long term vacancy was also been granted planning permission in 2007 (our reference 07/1530).

Indeed, under the Council’s forthcoming Local Development Framework, a draft Site Specific Allocations DPD has been created. This identified as SSA1 the Atlip site, which encompasses 1.9 hectares including the current application site and beyond. The Development Plan Document identifies the site for mixed use, including family housing, amenity space, employment and A3 uses. The proposed use mix fits this expected planning policy allocation.

The subject site falls outside of one of Brent’s town, district or local centres. The provision of 158sqm retail (class A1) floor space outside a designated centres must therefore be assessed against its potential to harm the viability of existing centres under PPS6 and Policy SH5. However, given the likely increase in residential occupation in the immediate vicinity of the subject site through the redevelopment of No. 183 Ealing Road, Dadoos and the Atlip Road site, the provision of an additional local needs retail unit appears reasonable. In order to ensure that the unit provides for local need only and that it not detract from existing nearby centres, the gross floor area of the unit is limited.

Affordable Housing provision/ Mix of units
The London Plan as amended in 2008 sets out within Policy 3A.9 that the Mayor’s strategic target for affordable housing. This states that 50% of provision should be affordable. Of the 31 one, two and three bedroom units that are proposed in this scheme, a total of 12 units (39% by number,) will be affordable. Of these, three 3-bed, four 2-bed and two 1-bed are proposed social-rented, and three 2-bed are proposed as shared ownership. This mix is substantiated by a submitted Three Dragons Toolkit assessment and is broadly in line with the 70:30 rent: intermediate ratio set down in the London Plan.
The Council’s Housing department views the application in the context of development within the local area: Land N/T to 2 Atlip Road, 2 Atlip Road (Dadoos) and 183 Ealing Road. For example, 183 Ealing Road is a 100% affordable housing scheme that has been delivered by the applicant. These schemes provide for a higher than policy level of affordable housing. The level of affordable housing proposed on 185 Ealing Road is therefore acceptable in terms of delivering a balanced housing supply within the local area.

Amendments to previous proposals, including the removal of the rear accommodation block proposed under application 08/1639 has reduced the size of the proposed larger affordable family housing. However the applicant does propose three larger 3-bedroom flats split between the first and second floors, which are all for social rent. A number of smaller two bedroom family units are also provided. Given the constraints of the site, the proposed unit size mix is considered acceptable.

Design and massing and Impact on the Street scene
The principal views of the proposed development from the public realm are those provided from the streetscene on Ealing Road. It is considered that the front entrance to the flats requires more emphasis to improve the legibility of the building for the residents at upper levels; one way to do this would be to increase the size/height of the proposed entrance area. The applicant has been asked to consider this. The commercial units at the ground-floor provide 2.4m high windows and an active street frontage. The applicants have been requested to increase the height of the ground-floor shopfront so that it reflects the higher level of that on 183 and also allocates space for future signage. Above the “shop-fronts” the proposed 8-storey building stretches the full-width of the site physically joining onto the archway at the edge of 183 Ealing Road to the east, and the Church of God of Prophecy to the west.

The importance of the visual massing of the building was highlighted in pre-application discussions which followed the previous refusals of planning permission. The materials and detailing need to be carefully considered as it is the quality of these features that will help to rationalise the scheme, which is the highest development on this section of Ealing Road. The applicants have been asked to submit a materials panel to demonstrate the proposed quality of the scheme. Further ways to increase the articulation of the building have also been suggested to the applicant.

The applicant’s submitted design rationale indicates that above the ground-floor shop-fronts floors 1-4 are proposed to be constructed of brick, with a parapet feature above. At levels 5-7 the building will be zinc-clad, and the seventh floor is inset to reduce the visual massing of the building. The geometric shape of the building is further articulated with recessed and projecting balconies to the front and rear. On the exposed south-western gable end at levels 5-7 vertical ridges and the use of different materials are expected to add texture to the building’s form. The northern gable is obscured from street-level by the adjoining development at 183. The build-line of the current proposed front block has been set-back from that previously proposed under application 08/1639. This “set-back” is forward of the front wall of the adjoining Church but respects that of 183 Ealing Road, so that the proposed massing visually reads as part of the local streetscene. Even though the development reaches up to 8 storeys and despite the above suggestions to improve the visual impact of the scheme, it is considered that the proposed design represents a significant improvement upon the scheme that was previously refused. The proposed design features of the new building are expected to successfully integrate it into the streetscene. Moreover the applicants have been asked to contribute through a s106 to the installation of street trees in the locality, which your officers considered could be planted in front of the development subject to the location of services. This is anticipated to soften the appearance of the building further and enhance the local public realm. Overall it is considered that the design of the development will assimilate itself into its surroundings satisfactorily in accordance with Brent’s Unitary Development Plan policies BE2, BE7 and BE9.

Quality of Residential accommodation
The proposed self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17.
Daylight, sunlight and outlook,
The applicants have submitted a Daylight & Sunlight Report, and this considers the Building Research Establishment (BRE) Report “Site layout planning for daylight and sunlight- A guide for good practice.” The amount of daylight received by new dwellings is a material planning consideration as it indicates the quality of residential accommodation provided. An assessment of the Average Daylight Factor (ADF) shows that the proposed development will receive acceptable levels of daylight in all but one bedroom, as long as in darker areas higher performance transmittance glass is used. The use of this will be conditioned.

The Annual Probable Sunlight hours (APSH) received on the southerly aspects of the development have been considered and a total of 3 windows on the ground/ first floor rear adjoining the church’s rearward projection fall just under the recommended sunlight level. One of the associated units has additional south-facing windows that meet satisfactory annual sunlight levels. The APSH levels for windows on the northerly aspects have not been submitted within the applicant’s report. However, it is likely that the recommended levels will not be met considering the aspect. This is not generally problematic as many units within the development are dual-aspect. However the floor layout results in a total of 7 single-aspect units, (one unit on each floor,) with a solely north-westerly outlook. These north-westerly facing habitable rooms therefore will have the minimal possible amounts of sunlight received due to their respective aspect. Whilst this is not ideal, given the site constraints, this is not considered sufficient to warrant refusal of the application on these grounds.

Amenity space/ rear landscaping
The application proposes a 159sqm useable amenity area at ground-level at the south-eastern end of the site. This has been achieved by the removal of the proposed rear accommodation block shown on the refused application 08/1639. Furthermore, the main amenity space is separated from the proposed shared surface by a transitional area encompassing 2 secure cycle stores that will accommodate up to 80 double-stacked cycles. Officers have asked for further detailing to demonstrate the quality of this area. Nevertheless the proposed useable amenity garden distinct from the vehicle manoeuvring area is considered a significant improvement upon the previous submission that will ameliorate the quality of the scheme for future inhabitants. However, the proposed layout with two cycle storage areas significantly reduces the potential quality and quantity of external amenity space and your officers consider that this could be resolved by rationalising cycle storage into one building. Amendments have been sought from the applicants and will be discussed within the Supplementary Report.

The application also incorporates balcony areas for the flats. The balconies are partly recessed and partly projecting on the north-west façade, (facing Ealing Road,) and projecting on the south-east elevation reflecting the site constraints. The balconies are on average 12sqm, which is very reasonable. Unit 29 is the only flat not to have a balcony with a useable depth (0.4m.) This is as a result of the reduced building envelope size at the seventh floor. The enlargement of this balcony would compromise the design schema. It is considered that on balance this is not a sufficient reason to refuse the proposal, as occupiers also have access to the rear amenity area.

Impacts on adjoining development
The submitted Daylight and Sunlight Report demonstrates that there will be no material loss in Annual Probable Sunlight hours (APSH) within either the front and rear blocks at the adjoining recently constructed development at 183 Ealing Road as a result of the development. Moreover the proposed front block at 185 generally follows the same build-lines of the block approved at 183, extending it to the south-west. This also reduces its impact on the daylight received by the adjoining front building at 183 Ealing Road. The applicants have overcome the previous third refusal reason of application 08/1639, as the north-westerly elevation within the nearest part of the rear block at 183 has been constructed without facing openings, removing concerns about a potential privacy loss between existing occupiers and future occupiers of 185.

The proposed building footprint at 185 Ealing Road extends no further to the rear than that of the existing Windsor House building in relation to the Church of God of Prophecy, sited to the
south-west and also fronting Ealing Road. The Church has no windows within its north-eastern (facing) elevation and as such the proposed development is not expected to significantly affect the church users in terms of loss of light. The Church has raised concerns regarding the potential of nuisance to future residential occupiers arising from their long opening hours and worship noise. The lack of side openings within the church building reduces the possibility of noise nuisance. However, the applicants have also submitted a PPG24 Noise Survey and Assessment. This considers the interrelationship between the Church and the proposed residential uses. Noise levels emitted by the Church on a typical weekend have been surveyed and analysis demonstrates that there will be no significant disruption to future residents of 185 Ealing Road as a result of activities in the Church.

**Noise**

The applicant’s PPG24 Noise Survey and Assessment states that the development is considered a “Category C” scheme. Planning permission should not normally be granted unless conditions are used commensurate to protect against the external noise to an adequate level. The Report (ibid) finds that suitably constructed masonry, double-glazed windows and trickle vents, satisfactorily attenuate noise for the habitable rooms on the rear façade of 185. On the front (north-western elevation,) for rooms facing Ealing Road, upgraded acoustic trickle-vents are needed. These recommended acoustic measures will be required by condition to safeguard the amenity of future residents.

The applicants have been asked to clarify what is proposed for the plant rooms shown at ground-floor of 185 Ealing Road for example, air conditioning units, ventilation systems or boilers; whether external outlets are required and what noise levels may be generated. Further comments are awaited, and a condition will limit any proposed plant noise to be at least 10dB below the site background noise level to limit complaints in accordance with policies EP2, BE17 of Brent’s Unitary Development Plan.

**Parking and servicing**

A total of three disabled car parking spaces and a 10.5m long loading bay are proposed within an extended courtyard area to the rear of the building. The omission of the previously proposed rear block from the scheme means this area can now also be accessed via the existing vehicular access from Atlip Road and a one-way system is now proposed through the site, with access from Atlip Road and egress through the archway beneath No. 183 Ealing Road. An amenity area is instead proposed to the rear of the site, alongside which two bicycle stores are proposed, each with capacity for 40 bicycles stacked to double height.

**Parking**

The site has only good access to public transport services (PTAL4) and is not located within a CPZ, so the full residential car parking allowance within Brent’s UDP applies. As such, up to 38 car parking spaces could be permitted. The proposal provides no generic spaces for the new development and overspill parking from the site would have detrimental impacts on traffic flow and highway safety in the area. However, the principle of a car-free housing scheme has been established on the adjoining site (as well as on developments in nearby Atlip Road), so it would be considered unreasonable to insist upon more parking for this scheme. Instead, Section 106 funding is sought towards providing funds towards an extension of the Ealing Road area CPZ southwards to encompass the nearby residential streets and towards establishing a Car Club scheme for residents. As with the adjoining site, in the event of the existing CPZ being successfully extended, a ‘permit-free’ clause will be required within the S106 Agreement, removing the right of future residents and visitors to the development to on-street parking permits. These measures are expected to address the Church’s concern by preventing/limiting overspill parking from the site.

Policy 3A.5 of the London Plan requires 10% of new housing to be wheelchair accessible, and Brent’s Unitary Development Plan guideline PS15 requires associated parking. The proposal indicates 3 wheelchair accessible spaces for 185, and 3 such spaces have already been approved within the neighbouring site at 183 Ealing Road. This meets planning policy requirements as long as the spaces are provided, and this shall be conditioned.
**Cycle parking**

A total of 80 double-stack cycle parking spaces are proposed within two secure cycle and covered stores to the rear of the site. This provides one cycle per unit for the proposed 31 flats at 185, and will re-provide the 40 lost at 183 as a result of the current proposed development as well as potentially allowing some provision for visitors. This number of stands satisfies local planning policy guidelines. The submitted plans also includes 3 publicly accessible bicycle stands on the forecourt of 183 which would satisfy requirements for the commercial floor-space of both 183 (approved) and 185 (proposed) Ealing Road.

**Access/ servicing**

The amendments to the access arrangements provide a one-way route through the site for service vehicles and disabled vehicles from Atlip Road onto Ealing Road. This overcomes the concerns raised previously regarding the difficulty of turning within the courtyard area and negotiating the narrow access by reason of 2-way vehicles using the archway within 183 Ealing Road. Tracking diagrams have been provided to show that a 9m refuse vehicle can freely negotiate the route. Fire appliances will also be able to freely access the courtyard area. Previous comments regarding the tight kerb radii at the junction with Ealing Road were taken on board during the construction of the archway under 183 Ealing Road so that 3m and 4.5m radii are provided on the north and south sides of the access respectively. Large service vehicles will still need to swing across the width of Ealing Road when turning left out of the site, but the revised arrangements are a considerable improvement on the existing substandard access arrangements and are on balance considered acceptable. This overcomes a previous reason for refusing development at this site.

A 10.5m long loading bay has been indicated within the courtyard area, in addition to the existing provision to the rear of 183, which is sufficient to meet standards for the commercial element of the two schemes (i.e. an 8m bay for the office and a shared transit sized bay for the retail units).

Refuse storage for the proposed flats at 185 Ealing Road is within an integral store at ground-floor alongside the archway beneath No. 183, opening into the courtyard area, to allow easy collection. A separate commercial bin store for the proposed retail and office units adjoins the residential refuse/ recycling area, and is accessed separately.

The courtyard area will be a shared surface environment and suitably high quality surfacing materials will be required. The applicants have been asked to present an indicative materials board to Members in order to demonstrate this, and quality materials will also be conditioned. A further condition will require mechanisms to enforce the one-way system through the site.

**Flood Risk**

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required. The applicants have demonstrated that they have considered Sustainable Urban Drainage Systems.

**Density**

UDP policies relevant to density include BE3, BE11 and H13. These policies are reinforced by Policy 3A.3 of the London Plan as consolidated with alterations since 2004 that sets out an indicative density matrix, taking into account the “setting” and PTAL rating of a site. The proposal is sited within an urban area with PTAL 4. The proposed density of the development equates to 254.42 units per hectare that is at the upper end of the London Plan tolerances (70 – 260 u/ha;) and 722.24 habitable rooms per hectare, which is above the tolerances normally permitted within the London Plan (200 – 700 hr/ha.) The London Plan figures are only guidelines and the number of proposed units per hectare is acceptable for this area, particularly as the site is within a designated Growth Area. The units average 2.83 habitable rooms each. In addition all of the units exceed minimum floor-area requirements and their satisfactory sizes, combined with the reasonable level of amenity space provided on-site means that on balance the number of habitable rooms exceeding London Plan guidelines may be tolerated.
RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".
Supplementary Planning Guidance(SPG) 19 - "Sustainable Design, Construction & Pollution Control".
Supplementary Planning Document - S106 Planning Obligations.

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) Notwithstanding the submitted drawings, details of materials and colours for all external work with samples, (including choice of cladding, windows, doors, walls, roof, balcony details and screens) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and those details, once approved, shall be fully implemented.
Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

(3) a) All areas indicated for hard and soft landscape works on the approved plan shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and commencement of the use and thereafter maintained in accordance with the approved scheme.
The scheme shall also indicate:-
- a soft landscaping planting schedule and layout plan
- a green-roof specification for the proposed cycle store/s and main building
- other appropriate matters within the context of a landscaping scheme, such as details of seating;
- full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas, the shared surface area, access to the cycle stores indicating consideration of sustainable urban drainage systems
- treatment of the balconies and roof terraces including (notwithstanding the details on the submitted drawings,) methods of screening the areas and the screen heights;
b) Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.
Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the area.
(4) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment (including details of the proposed access gates, barriers and access controls,) to be erected or retained. The boundary treatment shall be completed before occupation of the buildings and commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundaries shall be protected from building operations during the course of development unless otherwise agreed in writing.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

(5) Prior to development commencing, further details of the proposed secure cycle stores including detailed drawings indicating layout (of a scale at least 1:50) to demonstrate the stores' capacities; elevations, materials, and method of securing the stores shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied and prior to commencement of the use; and thereafter maintained.

Reason: These details are required to ensure that a satisfactory development is achieved.

(6) a) Prior to development commencing precise details (and drawings where necessary,) of the methodologies set out within the submitted Noise Report to be used to insulate the proposed residential units including special glazing for all proposed windows and the use of acoustic trickle vents or other equivalent ventilation equipment (where appropriate) shall be submitted to and approved in writing by the Local Planning Authority and thereafter works shall be undertaken in accordance with the approved details.

b) Following completion of the building works a post-completion report demonstrating that "good" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in all habitable rooms shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units.

c) Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24.

(7) Prior to the commencement of the use of any part of the approved development all
a) disabled parking spaces
b) servicing areas
c) turning areas
shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely in connection with the development hereby approved and for no other purpose.

Reason: So that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.
(8) No external satellite dishes or aerials shall be erected/installed on the site without the prior submission and approval by the local planning authority of details of any external plant and equipment and thereafter any such equipment shall be erected strictly in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality and the amenity of occupiers of units within the development and at neighbouring sites.

(9) Deliveries, unloading, loading shall only be between the following hours 0800 - 1800 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays; unless otherwise agreed in writing by the LPA

Reason: To limit the detrimental effects of noise and disturbance from vehicles on the premises on adjoining residential occupiers.

(10) Prior to commencement of the use/occupation the parking, servicing and access areas shall be kept clear of the storage of materials and parking/servicing shall only occur within the designated areas as indicated on the approved plans, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to maintain adequate access, pedestrian, cycle and vehicle flow within the site and maintain residential amenity.

(11) Prior to development commencing, a methodology to ensure that vehicles may only access the site one-way from Atlip Road and egress onto Ealing Road shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied and prior to commencement of the use; and thereafter maintained.

Reason: These details are required to ensure that a satisfactory development is achieved to enable the site to be safely accessed.

(12) Prior to development commencing, further details of the higher transmittance performance glass identified as being necessary in the submitted Daylight and Sunlight Report, including detailed drawings indicating the location of each type of glazing and sections of the windows shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied and prior to commencement of the use; and thereafter maintained.

Reason: These details are required to ensure that a satisfactory development is achieved in order to achieve satisfactory levels of light for future residents.

(13) Detailed drawings at a scale of 1:5, or an alternative scale that has been agreed in writing by the Local Planning Authority, including, where necessary, sections and detailed elevations, of the various elements of the facades of the building, detailing the junctions between different elements of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and the development shall be carried out in full accordance with the approved details.

Reason: To ensure the design detail for this site results in a high-quality development
in compliance with the requirements of Built Environment policies within the Unitary Development Plan and Supplementary Planning Guidance 17 "Design Guide for New Development"

(14) Notwithstanding the submitted plans, prior to development commencing the applicant shall submit details of existing ground levels (in relation to an existing datum point) and proposed finished ground levels of the rear external areas of the site (including parking, servicing, access, cycle stores and amenity area,) shall be shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason: In order to assess the impact of the development upon neighbouring amenities and ensure that the development is fully accessible

(15) Details of any new plant machinery and equipment (including air conditioning systems/ ventilation) associated with the proposed development and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance.

The noise level from this plant together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers

INFORMATIVES:

(1) With regard to the surface water drainage it is the responsibility of the developer to make proper provision for ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storms flows are attenuated or regulated into the receiving public network through on/ off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Development Services will be required. They can be contacted on 0845 850 2777.

(2) Water supply is covered by the Three Valleys Water Company. Their address is Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL, Tel- 01707 268 111

(3) The applicant is advised that this planning permission does not extend to advertisements for the proposed commercial units, it will be necessary to submit a further advertisement consent application for any proposed signage
REFERENCE DOCUMENTS:

Unitary Development Plan 2004
Supplementary Planning Guidance - (SPG) 17 - "Design Guide for New Developments".
Supplementary Planning Guidance - (SPG) 19 - "Sustainable Design, Construction & Pollution Control".
Supplementary Planning Document - S106 Planning Obligations

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222
Planning Committee Map

Site address: WINDSOR HOUSE, 185-195 Ealing Road, Wembley, HA0 4LW

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