



Planning Committee Supplementary

Wednesday 9 August 2017 at 7.00 pm

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

Membership:

Members

Councillors:

Agha (Chair)
Moher (Vice-Chair)
S Choudhary
Colacicco
Daly
Hylton
Maurice
W Mitchell Murray

Substitute Members

Councillors:

Ahmed, A Choudry, Ezeajughi, Hoda-Benn,
Kabir, Naheerathan, Pitruzzella and Thomas

Councillors

Colwill and Kansagra

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

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Boardrooms 7 and 8

Notes for Members - Declarations of Interest:

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

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

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
3. 111 Chamberlayne Road, London NW10 3NS	Queens Park	1 – 2
5. 245-249 and 253 Ealing Road, Wembley HA0 1EX	Alpertown	3 - 10

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Agenda Item 03

Supplementary Information

Planning Committee on 9 August, 2017 Case No.

17/0998

Location 111 Chamberlayne Road, London, NW10 3NS
Description Temporary use of land to the rear of 111 Chamberlayne Road for outside seating area

After the committee report had been finalised a petition was received with 44 signatures. This raised the following points:

Comment	Response
Noise levels and smoking	Excessive noise and harm caused through elements such as smoking could be classified as a statutory nuisance. It would therefore be covered and controlled through Environmental Health legislation rather than planning legislation.
Overlooking	There are windows adjacent the plot and that look out onto the area but these are to a clinic and not a residential property. There is a wall that is approximately 1.6m in height that provides some separation. It is also worth noting that this degree of overlooking already existing and that recommended condition 3 would limit the hours of use.
Visitors to the clinic would have to pass the seating area. Could have a detrimental impact upon the business and their image.	<p>Visitors to the clinic would have to pass the site but it is worth noting that the coffee shop is a commercial unit within a secondary shopping frontage and what is being proposed would be of benefit and help their business.</p> <p>There is also a condition on the hours of operation and a temporary trial period is recommended as to assess the actual impact.</p>

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Agenda Item 05

Supplementary Information

Planning Committee on 9 August, 2017 Case No.

16/3606

Location	245-249 and 253 Ealing Road, Wembley, HA0 1EX
Description	Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (7 x studios, 45 x 1 bed, 26 x 2 bed and 14 x 3 bed units), ground floor commercial use within Use class A4 (drinking establishment) or Use class D1 (community centre) with associated basement for car and cycle parking spaces and storage, vehicular crossover, bin stores, amenity space, landscaping and associated works

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Clarifications on report information

It is to be clarified that an MOT centre is not present on the site, and that this is incorrectly stated on page 5, paragraph 1 of the committee report.

It is also to be clarified that Block B will not be a single core building as a fire escape core will also be provided for emergency access.

Accessibility of development

The applicants have already provided information on how the development achieves 10% wheelchair accessible units and these are shown on the latest floorplans although not referred to within the initial committee report. The floorplans show the entrance details for disabled access and typical flat layout for wheelchair accessible homes also demonstrating compliance with part M4 (2) and part M4 (3) of building regulations. Given this, condition 15 of the draft decision notice will be changed to require compliance with this, rather than a requirement to submit further information to demonstrate such compliance is possible.

Unit sizes

The committee report does not make reference to the residential units proposed generally being oversized compared to the minimum floor space standards within the London Plan. It is considered that this further justifies the overall amenity space provision not achieving the 20sqm per flat benchmark set out within guidance. Of the 92 flats proposed, only 6 fall short of the London Plan standard, with the other 86 flats exceeding the standards. 21 of the flats are more than 5sqm larger than standard, 10 of the flats are more than 10sqm larger than standard and 3 of the flats are around 20sqm larger than standard. Of the 6 flats that fall short of the space standard, none of the flats fall short by more than 0.6sqm.

Changes to conditions relation to sustainability and carbon savings

- In relation to **condition 25**, which requires further consideration of 'be lean' measures in terms of achieving carbon reductions, the applicant has provided information to justify the potential measures having been maximised. The following comments are made by the applicant

U-values and airtightness are at least 50% improved relative to the minimum requirements of the Building Regulations, and energy efficient building services (lighting, heating and cooling) have also been included in the calculations and exceed the requirements of Building Services Compliance Guides. Improving U-values further would have a significant impact on build-up thicknesses without providing notable further savings whilst further improvements to the building services would not be realistic at this stage. The development will achieve Part L compliance at the Be Lean stage, in line with GLA's policy.

Given the above clarification, it is considered reasonable to remove condition 25. Condition 10 still requires compliance with the carbon saving measures so far specified. The additional information above will still be subject to review by the GLA as part of the stage II review, should the application be approved at committee. Based on the GLA's view, it may be necessary to reinstate a condition

requiring further consideration of the above criteria, if deemed necessary.

- In relation to **condition 26**, which requires further consideration of procedures in the event that the CHP system fails to operate sufficiently, the applicant has clarified that:

The projected running costs of CHP are difficult to estimate pre-planning. Maintenance and engineering needs to be carried out during detailed design stage with more accurate heat load calculations to accurately size the CHP system and project its operation profile. The projected running cost will be provided post planning to satisfy planning condition.

Given the above information, it is considered reasonable to reword condition 26 to allow such information to be submitted for approval within 6 months of first operation of the development. The additional information above will still be subject to review by the GLA as part of the stage II review, should the application be approved at committee. Based on the GLA's view, it *may* be necessary to alter this proposed condition alteration, if deemed necessary.

- In relation to **condition 27**, which requires further consideration of connecting to the local heat district opportunity area, the applicant has supplied the following information:

This is indeed a DH opportunity area. However, there is no existing network available near the site so it would not be possible to anticipate connection to a district heat network in the foreseeable future. The energy and M&E strategy will consider provision of space should a network become available in the future to enable the development to connect to a district heat network.

Given the above information, it is considered reasonable to alter condition 27 to require the CHP to be implemented with an external connection and that the CHP is connected to a local heat network once one is available locally. The additional information above will still be subject to review by the GLA as part of the stage II review, should the application be approved at committee. Based on the GLA's view, it *may* be necessary to alter this proposed condition alteration, if deemed necessary.

- In relation to **condition 28**, which requires further consideration of a site heat network, the applicant has supplied the following information:

A site heat network has indeed been considered for the development. All apartments will connect to the communal plantroom with CHP via a site heat network and capped services will be provided to the non-residential elements to enable those spaces to connect to CHP depending on their hot water load during detailed design stage.

Given the above information, it is considered reasonable to remove condition 28. The additional information above will still be subject to review by the GLA as part of the stage II review, should the application be approved at committee. Based on the GLA's view, it *may* be necessary to alter this proposed condition alteration, if deemed necessary.

- In relation to **condition 29**, which requires confirmation of plant efficiencies, the applicant has confirmed the following:

The plant efficiencies used in the calculation are gross and in line with GLA's guidance. The Energy Strategy report has appendices will all details of efficiencies used in the calculations at the different stages for both the residential and non-residential elements of the development.

Given this confirmation, it is considered reasonable to remove condition 29. The additional information above will still be subject to review by the GLA as part of the stage II review, should the application be approved at committee. Based on the GLA's view, it *may* be necessary to alter this proposed condition alteration, if deemed necessary.

Consideration of harm to residents of surrounding buildings / proximity of habitable room windows to neighbouring developments

The distance of the proposed buildings to surrounding developments is shown in the plan below:



The distance does not achieve the 20m separation distance in many instances; however SPG17 stipulates that 20m is a standard for privacy and not for outlook.

As per SPG17 guidance, which 243 Ealing Road was also subject to, at least 20m should be established between facing windows for privacy and at least 10m of unobstructed space should be achieved from habitable room windows to establish suitable outlook.

Eastern Elevation

The development achieves this along its eastern elevation, with at least 15m of separation achieved between the proposed building and Braunston House to preserve suitable outlook for all residents. In addition, the habitable room windows within Block A are focussed on northern and southern aspects and the windows that are facing directly east are obscure glazed to protect privacy of the west facing windows of Braunston House.

The east facing outlook within Block B mostly overlooks the highway, although in places where the outlook would be obscured by the emerging development at 253a Ealing Road, window placement has been altered to allow acceptable outlook to the north and south. No side facing windows are proposed within the western elevation of 253a Ealing Road and as such there are no concerns regarding privacy.

Southern Elevation

The southern elevation faces towards the consented development at 255 Ealing Road. From floors 1-6, the south-westernmost flat on each floor will have one or (in the case of 3 bed flats) two bedrooms that will have sole south facing outlook onto the flank wall of the approved development. There are no windows proposed in the approved flank elevation at 255 Ealing Road and as such there are no concerns regarding privacy, however these bedrooms will only achieve 8m of separation between the window and the flank wall, not satisfying requirements for outlook (minimum of 10m recommended). Taking a pragmatic approach, it is not considered that the scheme should be refused on the basis that six flats (which are all dual aspect flats) have one or two single aspect habitable rooms whose windows fall slightly short of the 10m standard required for outlook within guidance.

Western Elevation

The western elevation faces towards the wide thoroughfare of Ealing Road, providing a generous buffer with development on the other side of the road. The western elevation therefore easily achieves the necessary 20m privacy and 10m outlook distances.

Northern Elevation

The northern elevation faces towards the southern elevation of Cosgrove House at a distance that varies between approx. 18m (on the west side) and approx. 19.75m (on the east side). Whilst this distance easily preserves the 10m outlook requirement for residents of both buildings, it is acknowledged that the 20m privacy distance is not quite achieved in full. This is not considered to be of particular concern, as SPG17 refers to the 20m requirement for back-to-back windows. Since the relationship between the proposed building and Cosgrove House would be across a highway, it is not necessarily expected that the same standards of privacy need to be achieved, particularly in view of the fact that the two elevations are separated by an active and public space.

Given concerns raised by residents it is considered suitable to impose an additional condition to require the applicant to submit a revised schedule of obscure glazing and balcony screening to fully address outstanding flaws in privacy. On the north-western side of Block A (where the relationship is most strained), all units are dual aspect. As such, the north facing windows can acceptably be obscure glazed whilst retaining an acceptable internal standard of living for future occupants.

There are some windows on the eastern side of the north elevation (on floors 2, 4, 6, 8 and 9) that provide sole north facing outlook to the rooms within (the wider flats retain a dual aspect). These windows could not acceptably be obscurely glazed, although it is noted that the relationship (in terms of protecting privacy) is more acceptable on this side of the elevation, with at least 19m of separation established between facing windows. The slanted nature of the elevation on the southern side of Cosgrove House results in the relationship between facing windows being slightly oblique, removing a clear and direct line of sight between the windows. Taking a pragmatic approach, it is not considered that the scheme should be refused on the basis that a small number of windows (serving 10 bedrooms) only achieve 19m of separating distance for privacy, given that, in practice, the perception of this distance is unlikely to be materially different from a policy compliant separation.

Consideration of density

The development has a density of 1,997 habitable rooms per hectare, which is substantially higher than the 725 habitable rooms per hectare achieved at the 243 Ealing Road development. Both of these densities are higher than the recommended 200-700 habitable rooms per hectare within the London Plan. It is noted that density calculations are strongly influenced by the open space within the plot of land to be developed. Whilst the plot of land available in this proposal is small and will be substantially covered by buildings, the density calculation is not able to take into account the open space and car parking around the proposed building (which was not the case for 243 Ealing Road), where, for most of its surrounds it borders with public highways, resulting in notable openness around the building proposed.

Whilst it is acknowledged that its relationship with the existing buildings is slightly tighter than that established within 243 Ealing Road, and that the density is therefore greater, the building still sits within more open surroundings that cannot be accounted for within a density calculation that only considers land within the applicant's ownership. For example, the density calculation has not been able to factor in the open pedestrian access space between blocks A and B as this is not within the applicant's curtilage. Inclusion of such open

space would inevitably reduce the linear density calculation.

The application has been considered by the Greater London Authority (which established the methodology used in calculating density for London developments), who, whilst acknowledging the high density of the proposal, have considered that this is acceptable in view of the established and emerging context.

Consideration of daylight and sunlight impacts

Summary of daylight results for surrounding windows

Total number of windows tested at planning stage	589
Number of windows of 589 tested belonging to non-habitable rooms	36
Number of windows belong to habitable rooms meeting the alternative VSC target of 13%	52
Total number of windows meeting BRE guidelines	475
Total number of windows not meeting BRE recommendations	78
% of tested windows not meeting BRE recommendations	13.2%

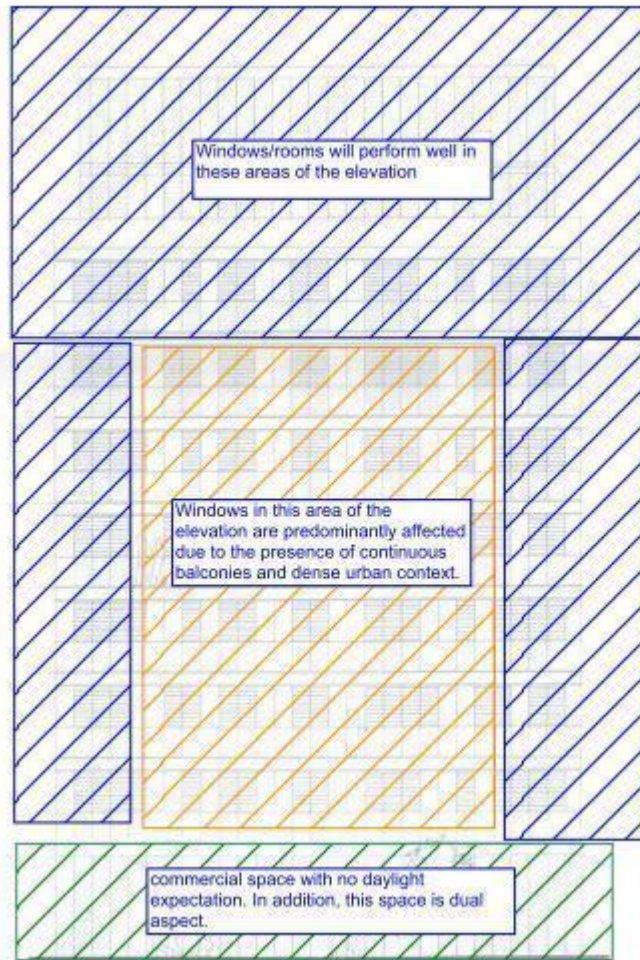
Summary of sunlight results for surrounding windows

Total number of windows facing south	421
Total number of living room windows facing south	155
Total number of windows to living rooms meeting BRE recommendations	133
Total number of windows to living rooms not meeting BRE recommendations	22
% of tested windows not meeting BRE recommendations	14.1%

In depth consideration of the windows/elevations most directly affected by the development:

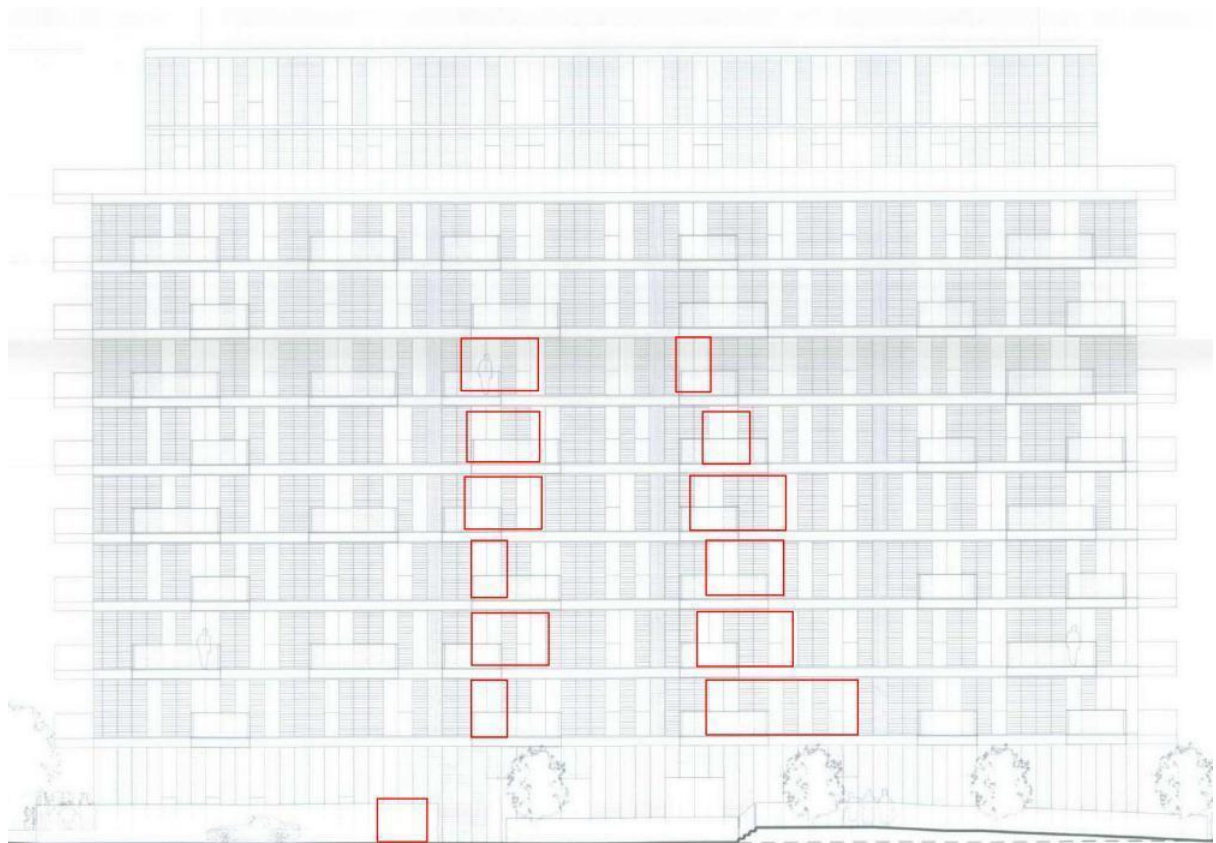
Cosgrove House – South Elevation

Floors 1 – 9 are residential and have south facing windows whose view is affected by the development. The results show that all windows on floors 1-6 will not meet the BRE recommendations for good levels of daylight. Floors 7-9 will achieve good levels of daylight in line with BRE recommendations. The daylight and sunlight report confirms that much of this light loss is as a result of the overhanging balconies that oversail every floor of the development. Whilst a significant proportion of windows are affected, it is noted that the windows along the edges of the southern elevation (serving the corner rooms) provide light to a dual aspect room, with the eastern and western aspect outlook being retained in full. As such, it is not considered that losses of light to these windows are to be unduly detrimental to the overall environment in the rooms they serve given this context. Once the corner windows are removed from the considerations, it is the rooms served by the central windows on floors 1-6 will experience an impact which does not fully meet BRE recommendations. Please see this demonstrated in the diagram below:



Braunston House – West Elevation

Only some central windows within the first seven floors of the eleven floor building will not meet the recommended BRE guidelines. Windows not performing strictly in line with BRE guidelines are identified to mostly be situated below balconies. Daylight calculations are undertaken with “overcast” sky conditions where the daylight luminosity is far greater from the zenith than from the horizon. This means that balconies restrict daylight in themselves as they obstruct daylight from the zenith, whilst the development only obstructs daylight from the horizon. The following diagram identifies the windows that are unduly affected when tested for daylight:



Your officers would maintain that the daylight and sunlight impact is acceptable, given the wider urban context of the site and the identification of balconies as already resulting in reductions in daylight.

Affordable Housing and Viability

The affordable housing offer has been closely interrogated by Brent Council in communication with BNP Paribas. The Council's dissatisfaction with various affordable housing offers has repeatedly resulted in the application being postponed from determination at committee. The final affordable housing offer made in July 2017 is considered to represent the maximum reasonable amount when compared against the development costs/constraints, as backed up by correspondence from BNP Paribas. Your officers would therefore consider that Affordable Housing has been closely and effectively scrutinised.

Demand for D1 or A4 use and whether the size is appropriate

The national loss of public houses over recent years has been identified as a highly detrimental reduction in local community facilities and culture within communities. The Plough public house has been identified and protected as an asset of community value for this reason. The loss of such a pub without replacement of equivalent quality facilities would be contrary to Brent's policy DMP21 which seeks the retention of public houses and the contribution to community facilities they bring. As such, planning policy would prescribe a replacement of the lost public house as necessary to address policy DMP21. The size of the existing pub is larger than that which is proposed (129sqm). There is no reason why a smaller public house cannot serve effectively as a community asset and the key will be in securing an effective and enforceable obligation for community use.

How would the D1 use work and be genuinely secured for the community?

The community use would be secured through the S106 agreement and would likely be secured through the following obligations:

- A requirement for the premises to be made available to community groups and voluntary sector

organisations at various times throughout the week (likely to be Monday through to Wednesday or Thursday).

- The pub should also be made available for booking out by community groups and voluntary sector organisation for a minimum number of hours per week.
- The pub should also be made available for hire at comparable rates to similar facilities which are available for hire within the locality of the property.
- When the pub is not being used by community groups and/or voluntary sector organisations it will need to be available for use by patrons during normal opening hours.
- Submission of a community access plan to set out the specific arrangements for the above obligations.

A new condition will need to be added to the decision notice, revoking permitted development rights for the unit to convert to an A1, A2 or A3 unit. This will ensure the pub use is retained.

Would the D1/A4 use be fully finished internally to lessen the burden on the end user?

This is a pub unit, which would be fitted out as a pub with some community use, as bound by legal agreement.

The unit is to be run by a commercial enterprise with community access and it is not intended to be a unit run by the community. As such, the overhead costs associated with fitting out a pub would be an expected part of a commercial operation.

Recommendation: Remains approval, subject to the conditions and S106 obligations set out within the committee report as well as the additional conditions and altered conditions as identified within this supplementary report

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