



Planning Committee

Wednesday 6 April 2016 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)
Agha (Vice-Chair)
S Choudhary
Colacicco
Ezeajughi
Mahmood
Maurice
M Patel

Substitute Members

Councillors:

Chohan, A Choudry, Hoda-Benn, Hylton, Khan
and W Mitchell Murray

Councillors

Colwill and Kansagra

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Asda, Forty Lane, Wembley, HA9 9EX (Ref. 16/0615)	Barnhill	5 - 16
4. Chesterfield House, 9 Park Lane, Wembley, HA9 7RH (Ref 15/4550)	Wembley Central	17 - 66
SOUTHERN AREA		
5. 76-78 Salusbury Road, London, NW6 6PA (Ref 15/4590)	Queens Park	67 - 88
6. 1 Craven Park, London (Ref 15/5130)	Harlesden	89 - 106
7. 342 Neasden Lane, London, NW10 0AD (Ref 15/3398)	Dudden Hill	107 - 120
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.		

Site Visit Details - 2 April 2016

Ref	Address	Item	Ward	Time	Pages
15/4550	Chesterfield House, 9 Park Lane, Wembley, HA9 7RH	4	Wembley Central	09:40	17-66
15/5130	1 Craven Park, London	6	Harlesden	10:20	89 - 106
15/3398	342 Neasden Lane, London, NW10 0AD	7	Dudden Hill	10:50	107 - 120

Date of the next meeting: Tuesday 26 April 2016

The site visits for that meeting will take place the preceding Saturday 23 April 2016 at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the

meeting.

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

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

6 April, 2016

16/0615

SITE INFORMATION

RECEIVED: 12 February, 2016

WARD: Barnhill

PLANNING AREA: Brent Connects Kingsbury & Kenton

LOCATION: Asda, Forty Lane, Wembley, HA9 9EX

PROPOSAL: Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority"

APPLICANT: ASDA Stores Ltd

CONTACT: Thomas Eggar

PLAN NO'S: **Acoustic Consultancy Report (Noise Impact Assessment for 24 hr Store Delivery Activity)** - Acoustic Consultancy Partnership Ltd – Dated 5th November 2015
Acoustic Consultancy Report (Follow Up Noise Monitoring of Store Delivery Activity) – Acoustic Consultancy Partnership Ltd – Dated 16th December 2015

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_126534

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Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/0615" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

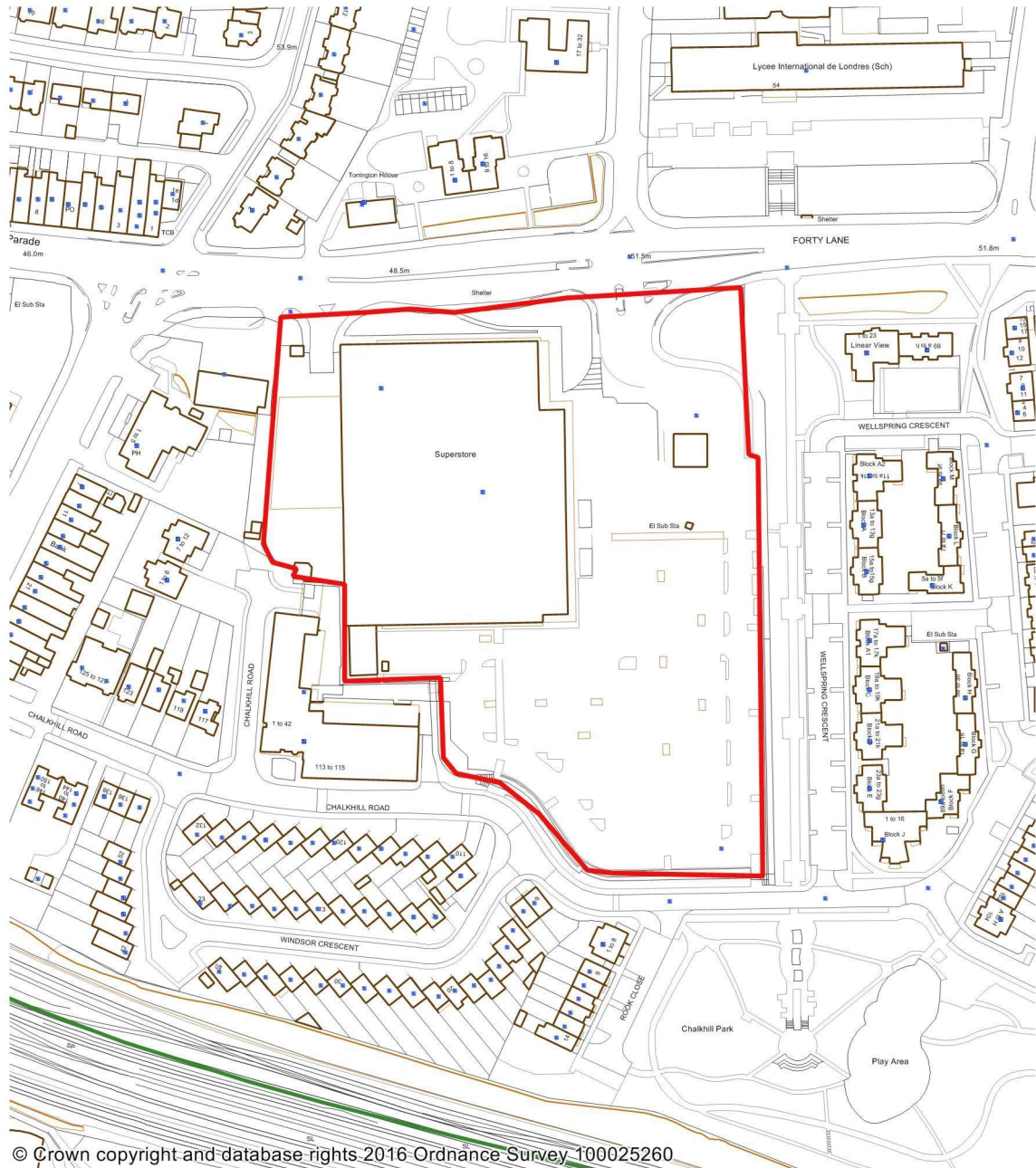
SITE MAP



Planning Committee Map

Site address: Asda, Forty Lane, Wembley, HA9 9EX

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This map is indicative only.

SELECTED SITE PLANS



APPENDIX B

Site Plan



RECOMMENDATIONS

Approve the submitted details
, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority".

B) EXISTING

The application site is a part of the car park serving the Asda superstore on Forty Lane; it has some established shrub and tree planting and a car wash/valet use is carried out on some of the parking spaces. It is not in a conservation area nor is the building listed. However, the Grade II listed former Brent Town Hall is situated to the north of the subject site. Surrounding uses are mixed commercial (the superstore), residential (to the east) and a school (the Lycée International de Londres Winston Churchill, to the north).

There is a pedestrian link from the north western end of the Asda Car Park to the GP Surgery which is part of the Chalkhill Primary Care.

D) SUMMARY OF KEY ISSUES

The main planning consideration when assessing this application is:

Whether the proposed development would have an unacceptable impact on the amenity of neighbouring residents.

The acoustic monitoring report submitted found that the noise levels produced when trialling deliveries under the recommended 'delivery management plan' were within reasonable levels as measured against the appropriate guidance and standards. As such, the Council is satisfied that ASDA have demonstrated that decreased and reasonable noise levels are achievable. However, it is important that these standards are enforced, and the recommendation of the planning department is subject to a condition requiring a continued adherence to the recommended measures throughout the lifetime of the development.

RELEVANT SITE HISTORY

15/4162 Installation of various internally and externally illuminated as well as non-illuminated signage to the store and within the grounds of the Asda store. **Granted 23/11/2015**

14/4831 Pedestrian crossing improvements located outside the main entrance to the store, to also include relocation of 2 parent and child parking bays and reduction in the length of the covered walkway. **Granted 20/02/2015**

14/2592 Variation of condition 4 (change opening hours from 08:00 to 20:00 Monday to Sunday to 08:00 to 22:00 Monday to Sunday), of full planning permission reference 13/3646 dated 07/02/2014 for Construction of a permanent "Home Shopping" van loading canopy and grocery collection "Drive To" canopy within the car park, with associated fencing and alterations to the existing store of learning building including the provision of a chiller and freezer. **Granted 18/09/2014**

13/3647 Installation of x5 externally illuminated fascia signs, x1 direction sign on a flat panel post and x3 non-illuminated vinyl signs with the store car park. **Granted 07/02/2014**

13/3646 Construction of a permanent "Home Shopping" van loading canopy and grocery collection "Drive To" canopy within the car park, with associated fencing and alterations to the existing store of learning building including the provision of a chiller and freezer. **Granted 07/02/2014**

13/1654 Full Planning Permission sought for erection of a canopy for the grocery collection service in the store car park. **Refused 09/08/2013**

13/0394: Details pursuant to condition(s) No 4 (lighting), 5 (ramp & retaining structure details), 6 (landscaping) & 7 (drainage) of Full Planning Permission reference 12/1268 dated 30 October, 2012 - **Granted, 04/06/2013**

13/0213 Full Planning Permission sought for modification of car park layout to include reduction of 6 parking spaces from a total of 417 to 411 in association with automated four-pump petrol filling station approved under planning reference 12/1268 - **Granted, 23/04/2013.**

12/1268 Full Planning Permission sought for proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works and subject to a Deed of Variation dated 18 October 2012 of the Deed of Agreement dated 7 July 1998 under Section 106 of the Town and Country Planning Act 1990, as amended - **Granted, 30/10/2012.**

11/2679 Proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works **Withdrawn 15/12/2011**

07/2604 Change of use of existing car parks (ancillary to A1 retail) to car wash (Sui Generis) (as accompanied by "Car Park Valeting Limited: Drainage Legislation Summary") **Granted 12/11/2007**

07/0862 Reconfiguration of existing parking and pedestrian walkway and erection of new external pedestrian canopy walkway **Granted 30/05/2007**

04/2643 Alterations to existing car park layout and installation of 6 trolley shelters **Granted 12/10/2004**

***03/1003** Variation of condition 9 (hours of delivery) of planning permission no. 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority" **Granted**

03/1053 Variation of condition 8 (opening hours) of planning permission reference 98/0413 dated 03/07/1998 for construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The premises shall not be open for retail trade except between the hours of 0800 Mondays to 2400 hours Saturdays, and between 1100 to 1700 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority." **Granted 04/06/2004**

02/2884 Installation of 12 trolley shelters within the car park of super store **Granted 30/12/2002**

***00/1937** Variation of condition 9 of planning consent 98/0413 for retail superstore to read as follows: "No commercial vehicles may arrive, depart, be loaded or unloaded within the general site, except between the hours of 7am and 9pm Mondays to Saturdays and between 10 am and 4pm on Sundays and Bank Holidays, without the agreement in writing of the Local Planning Authority" **Granted 09/02/2001**

99/2206 Details pursuant to condition 2 (reduction of lighting in the car-park and at its access points) of planning permission no. 99/1072 which sought to extend the opening hours imposed by condition 8 of planning permission no. 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking **Granted 07/12/1999**

99/1072 Variation of condition 8 of planning approval 98/0413 for retail superstore to read as follows: "The premises shall not be open for retail trade except between the hours of 8am and 12pm, Mondays to Saturdays, and 11am and 5pm, Sundays and Bank Holidays" **Granted 18/08/1999**

***99/1073** Variation of condition 9 of planning approval 98/0413 for retail superstore to read as follows: "No commercial vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 7am and 9pm Mondays to Saturdays and between 10am and 4pm on Sundays and Bank Holidays without the agreement in writing of the Local Planning Authority" **Granted 18/08/1999**

***98/0413** Construction of a retail superstore with provision of service yard and customer car-parking **Granted 03/07/1998**

*Of particular relevance to this application

CONSULTATIONS

45 nearby properties (flats 1 – 42 at 115 Chalkhill Road, as well as units 1 - 3 at 113 Chalkhill Road were given prior notification of this proposal for a minimum of 21 days on 12/02/2016.

An objection to the proposal was received on 04/03/2016 from the adjoining occupier at Flat 31, 115 Chalkhill Road.

The occupier objected on the following grounds:

- The amenities of residents at 115 Chalkhill Road have been disrupted for many years during nights, early mornings, weekends and bank holidays by unnecessary noise caused by store activities.
- The acoustic monitoring investigation was not objective; lasting for a short period of time with residents noticing unusually decreased noise levels during the monitoring period.

Officer's response to objection:

The acoustic monitoring report submitted found that the noise levels produced when trialling deliveries under the recommended 'delivery management plan' were within reasonable levels as measured against the appropriate guidance and standards. As such, the Council is satisfied that ASDA have demonstrated that decreased and reasonable noise levels are achievable. However, it is important that these standards are enforced, and the recommendation of the planning department is subject to a condition requiring a continued adherence to the recommended measures throughout the lifetime of the development.

Councillor Consultations

Cllrs Shafique Choudhary, Michael Pavey and Sarah Marquis, members for Barnhill Ward were consulted.

No representations were received.

Internal Consultations

The Council's Regulatory Services (Environmental Health) officers were consulted regarding this application due to the potential amenity impact of noise and vibration resulting from the use. A response was received on 19/02/2016. Regulatory Services recommended that the condition is discharged – further discussion below.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan - 2004

BE8: Light and Light Pollution - Sensitively designed proposals which create and improve lighting are encouraged where it contributes to the overall spectacle of major areas. Lighting should be controlled to avoid nuisance to road users, harm to residential amenity and or detriment to local distinctiveness.

EP2: Noise and Vibration - Noise and/or vibration generating development will be permitted unless it would create, or worsen, noise levels above acceptable levels or unless users would suffer noise levels above acceptable levels. In particular they will not be permitted where they would harm existing or proposed noise sensitive development in the area and if this cannot be acceptably attenuated.

The above policies within the Adopted Unitary Development Plan together with the government guidance are relevant considerations for this application. The specific issues relevant to the proposal is the impact of the proposal on the transportation and the impact of overnight deliveries on the amenities of neighbouring occupiers particularly in terms of noise and light pollution.

TRN3: Environmental Impact of Traffic - When a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused.

DETAILED CONSIDERATIONS

1. The main planning consideration when assessing this application is:

- **Whether the proposed development would have an unacceptable impact on the amenity of neighbouring residents.**

2. The original condition (no. 4) for the application in question (03/1003) reads as follows:

"With regard to noise assessment, further monitoring and acoustic investigations shall be carried out by a specialist independent agency within 6 months of the commencement of the extended delivery hours. Details of the monitoring shall be submitted in writing within 9 months and approved by the Local Planning Authority demonstrating that noise-emission levels do not give rise to loss of residential amenity. In the event of the Local Planning Authority not being satisfied that adequate attenuation has been provided, measures shall be submitted to and approved by the Local Planning Authority of attenuation works to afford adequate protection to residential amenity, and implemented within a period of 3 months or such longer period as may be agreed in writing by the Local Planning Authority

Reason: To enable the Local Planning Authority to review the position in light of the impact of the extended delivery hours upon the amenities of adjoining residential occupiers."

History

3. The planning permission reference number 98/0413 granted for the store in July 1998 imposed a number of conditions of which No.9 is relevant here:

"No commercial vehicles may arrive, depart, be loaded or unloaded in the general site except between the hours of 7am and 10pm Mondays to Saturdays and at no time on Sundays or Bank Holidays without the agreement in writing of the local planning authority."

4. This was subsequently amended by an application (99/1073) to allow the servicing of the store on Sundays and Bank Holidays between the hours of 10am and 4pm to accompany the revised store opening hours of 11am to 5pm on those days.
5. A further application (00/1937) was submitted to allow servicing of the store between 7am and 9pm Mondays to Saturdays and between 10am and 4pm on Sundays and Bank Holidays. Condition 2 attached to the approval notice stated that the store should not be serviced on Sundays and Bank Holidays by more than six service vehicles without the prior approval of the Local Planning Authority.
6. The applicant submitted this application as the store was experiencing some problems in ensuring that the full range of goods was available to customers during all trading hours. This problem was particularly acute with fresh produce as in-store warehousing is restricted to ensure efficient distribution.
7. An application to vary the condition relating to delivery hours (03/1003) was submitted with the intention to remove time restrictions on deliveries but to limit the number of delivery vehicles down to a maximum of 6 per day on Sundays and Bank Holidays. Some concerns were raised by the Environmental Health department, however ultimately the application was approved subject to conditions requiring monitoring to be carried out to ensure that the proposal would not have a detrimental impact on the amenities of neighbouring occupiers.
8. The acoustic monitoring report, required to discharge a condition of 03/1003 has been submitted as part of this application. This condition required details to be submitted within 9 months of the commencement of the extended delivery hours and this submission. The submission was therefore due some time ago and the Council issued a planning enforcement notice relating to the breach of this condition.
- Nevertheless, information has now been submitted and has been discussed in detail within this report.

Considerations of adverse of amenity impact arising from noise and vibrations

9. The submitted noise impact assessment and follow up noise monitoring report demonstrate that the assessment has been carried out using normal acoustic methodology and measured against the appropriate guidance and standards.
10. The initial noise report dated 5 November 2015 concluded that there is likely to be an adverse impact at the nearest residential properties from the normal operation of the servicing bay during the extended hours.
11. Complaints and observations by officers had highlighted several issues that cause annoyance to residents that could easily be rectified. These include: *(many of the below items are readily controlled but require management to ensure these are maintained and that all staff are trained and aware of the delivery management plan)*

Source of annoyance	Reason for annoyance
Intercom	Loud click and collect phone sounding
Loading and unloading/delivery area	Banging and crashing of crates being un/loading
Loud Voices	Loud talking by staff
Vehicles revving	Home delivery vans
Mechanical Plant Noise plus alarm	A humming whirring/motor noise
Gates	Metal gate dragged across tarmac

12. To address the levels of noise that were being experienced, the report submitted for this application recommended mitigation measures to reduce the noise level, which includes the implementation of a 'Delivery Management Plan'.

13. The Delivery Management Plan includes a number of measures, including:

Warehouse Staff

- *Be proactive and keep all noise to a minimum at night;*
- *Ensure the delivery yard is clear of obstructions so vehicles can manoeuvre easily;*
- *Be ready for the delivery vehicle to arrive and keep lorry waiting and idling to an absolute minimum;*
- *Move cages carefully and slowly at all times, avoiding any impact with other cages and objects;*
- *Wheel goods in yard slowly to reduce rattling and wheel noise on the concrete;*
- *Open and shut gates and doors quietly;*
- *Keep voice levels to a minimum;*
- *Careful operation of the scissor lift, with care taken to minimise noise caused by metal ramps.*

Delivery Drivers

- *Drivers should remain aware of the effect noise levels can have on local residents when approaching the site and manoeuvring into position;*
- *Do not sound horn;*
- *Refrigeration units are to be turned off prior to arriving on site and started up only when away from site;*
- *Engines should be switched off immediately when not manoeuvring;*
- *Switch the radio off before arriving on site*
- *Minimise the frequency of opening and closing vehicle doors and do so quietly*
- *Take particular care to minimise rattle from metal on metal contact when moving roll cages, even within the trailer*
- *Lower flaps on tail lifts quietly and carefully*
- *Keep voice levels to a minimum*
- *IMPORTANT - the load restraining bars must be carefully placed on the trailer floor and not dropped*
- *IMPORTANT - scissor lift ramps to be lowered carefully onto bed of lorry or service yard floor and*

not dropped.

- *When working in the vehicle trailer avoid banging cages into the vehicle walls*
- *All cages/crates to be moved slowly to minimise noise from wheels, including within the trailer*
- *When finishing unloading/loading, close up vehicle quietly*
- *Gentle acceleration on departure.*

14. A subsequent round of monitoring was undertaken on 16 December 2015, which examined the noise levels associated with the operation of the servicing bay when the 'Delivery Management Plan' (DMP) was being implemented. This report demonstrated that the DMP achieved a 9 dB reduction in noise level and that the resultant noise levels do not exceed background levels.
15. The submission demonstrates that the mitigation measures set out within the Delivery Management Plan are sufficient to reduce noise levels so that they do not exceed background noise levels and are unlikely to have a detrimental impact on the nearby residential properties. For this reason, the requirements of the planning condition have been achieved.
16. Nevertheless, it is important to consider that the monitoring session was attended and would have been obvious to ASDA delivery staff whose behaviour may have changed as a result. However, this also demonstrates that if carefully managed, the noise can be reduced to a reasonable level.
17. Condition 3 of the original consent (03/1003) sets out controls over the maximum noise levels associated with night time deliveries, specifying that levels from individual noise events should not exceed 45 dB. Nevertheless, the submitted assessments demonstrate that it is important that the Delivery Management Plan is fully implemented to ensure that noise generated from night time servicing does not reach levels that are likely to disturb nearby residents.
18. Given the level of importance of the implementation of the Delivery Management Plan, it is recommended that a condition is attached to this approval which requires the ongoing implementation of the plan, and only allows the extended delivery hours to take place providing the plan is being implemented.

Conclusion

19. Considering the points discussed above, officers consider the submitted report to meet the requirements of the condition, subject to assurance that the measures as set out within the report are adhered to throughout the lifetime of the development. A condition has been applied to ensure that the Council is able to enforce this.
20. This recommendation is made in the interests of ensuring that the local residents experience the lowest possible amenity impact as a result of activities relating to deliveries.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====

Application No: 16/0615

To: Mrs Carolyn Morgan-Welker
Thomas Eggar
Belmont House
Station Way
Crawley
West Sussex
RH10 1JA

I refer to your application dated 10/02/2016 proposing the following:
Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority"

and accompanied by plans or documents listed here:

Acoustic Consultancy Report (Noise Impact Assessment for 24 hr Store Delivery Activity) - Acoustic Consultancy Partnership Ltd – Dated 5th November 2015

Acoustic Consultancy Report (Follow Up Noise Monitoring of Store Delivery Activity) – Acoustic Consultancy Partnership Ltd – Dated 16th December 2015
at Asda, Forty Lane, Wembley, HA9 9EX

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

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

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

DnStdG

SCHEDULE "B"

Application No: 16/0615

- 1 No commercial vehicles may arrive, depart, be loaded or unloaded within the general site, except between the hours of 7am and 9pm Mondays to Saturdays and between 10 am and 4pm on Sundays and Bank Holidays, unless the "Delivery Management Plan" measures set out within the "Acoustic Consultancy Report Follow Up Noise Monitoring of Store Delivery Activity Asda Wembley" dated 16 December 2015 are implemented and adhered to in full.

Reason: In the interests of preserving the amenities of nearby occupiers

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

6 April, 2016
04
15/4550

SITE INFORMATION

RECEIVED: 20 October, 2015

WARD: Wembley Central

PLANNING AREA: Brent Connects Wembley

LOCATION: Chesterfield House, 9 Park Lane, Wembley, HA9 7RH

PROPOSAL: Proposed demolition of existing building and erection of 21 and 26 storey building comprising flexible retail/commercial (Use Classes A1-A4) and community uses (Use Class D1) at ground floor and basement level, 239 residential units (Use Class C3) on the upper floors and associated landscaping, public realm, ancillary servicing and plant, car and cycle parking and associated works

APPLICANT: Chesterfield House Partners LLP

CONTACT: DP9

PLAN NO'S: Please see condition 2.

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

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Please click on the link below to view **ALL** document associated to case

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2. Select Planning and conduct a search tying "15/4550" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: Chesterfield House, 9 Park Lane, Wembley, HA9 7RH

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This map is indicative only.

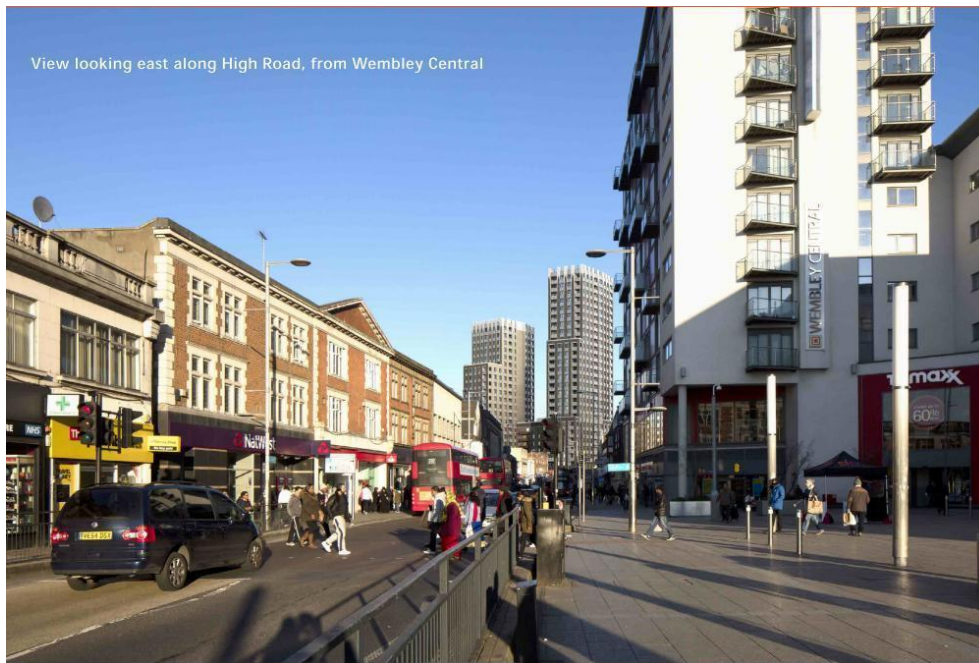
SELECTED SITE PLANS



Site layout



Landscaping plan



View looking east from Wembley Central:



View looking West from opposite Elizabeth House



View looking West from near Copland School



View from Park Lane



Second view from Park Lane:



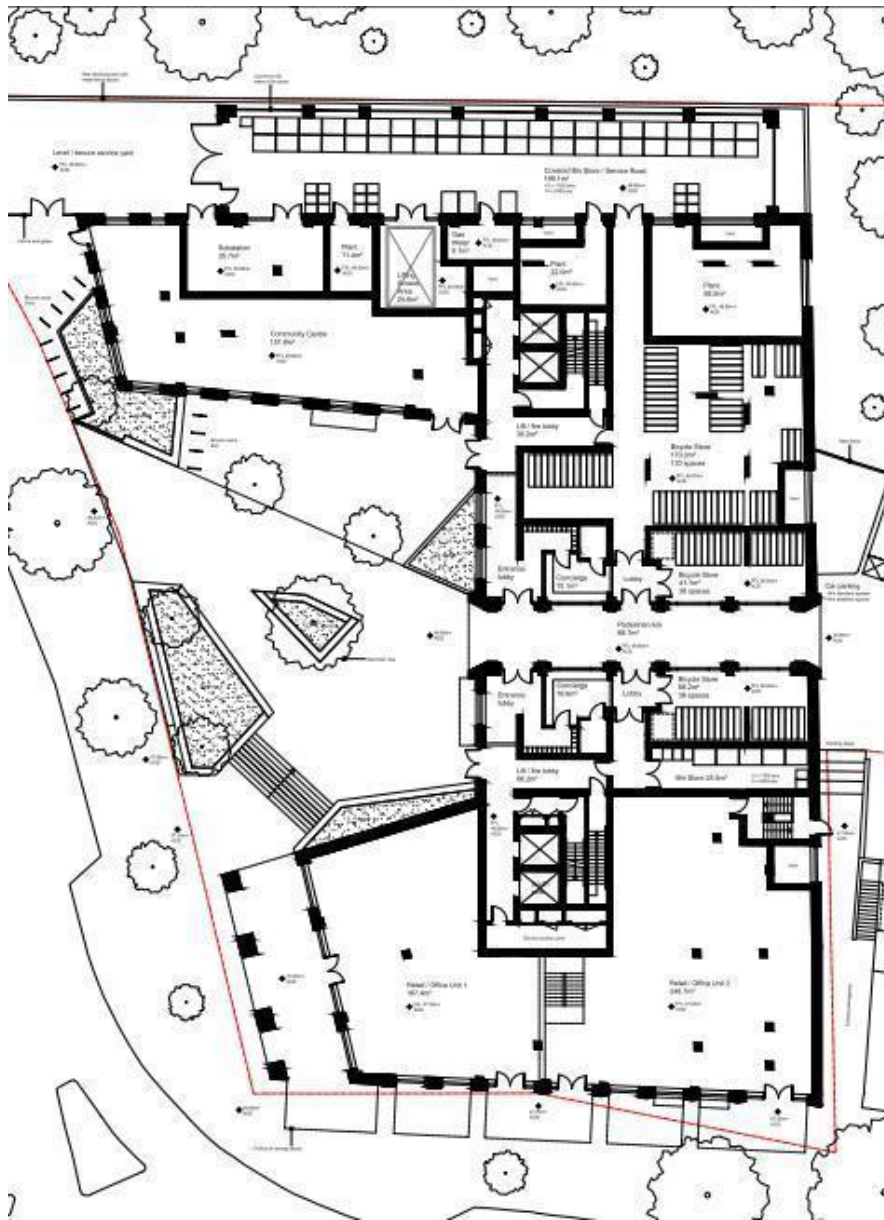
View from corner Park Lane and High Road:



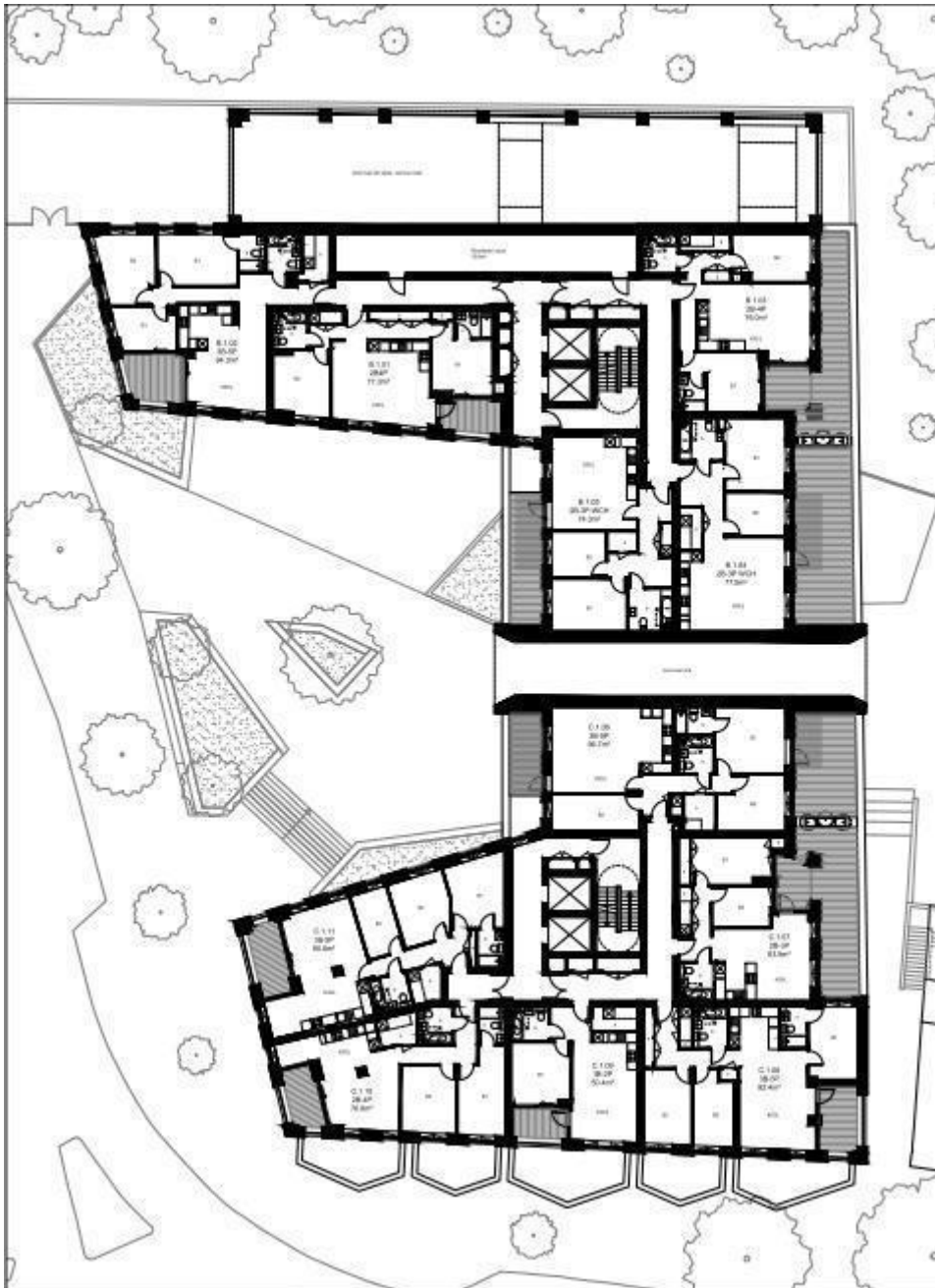
View from proposed car park



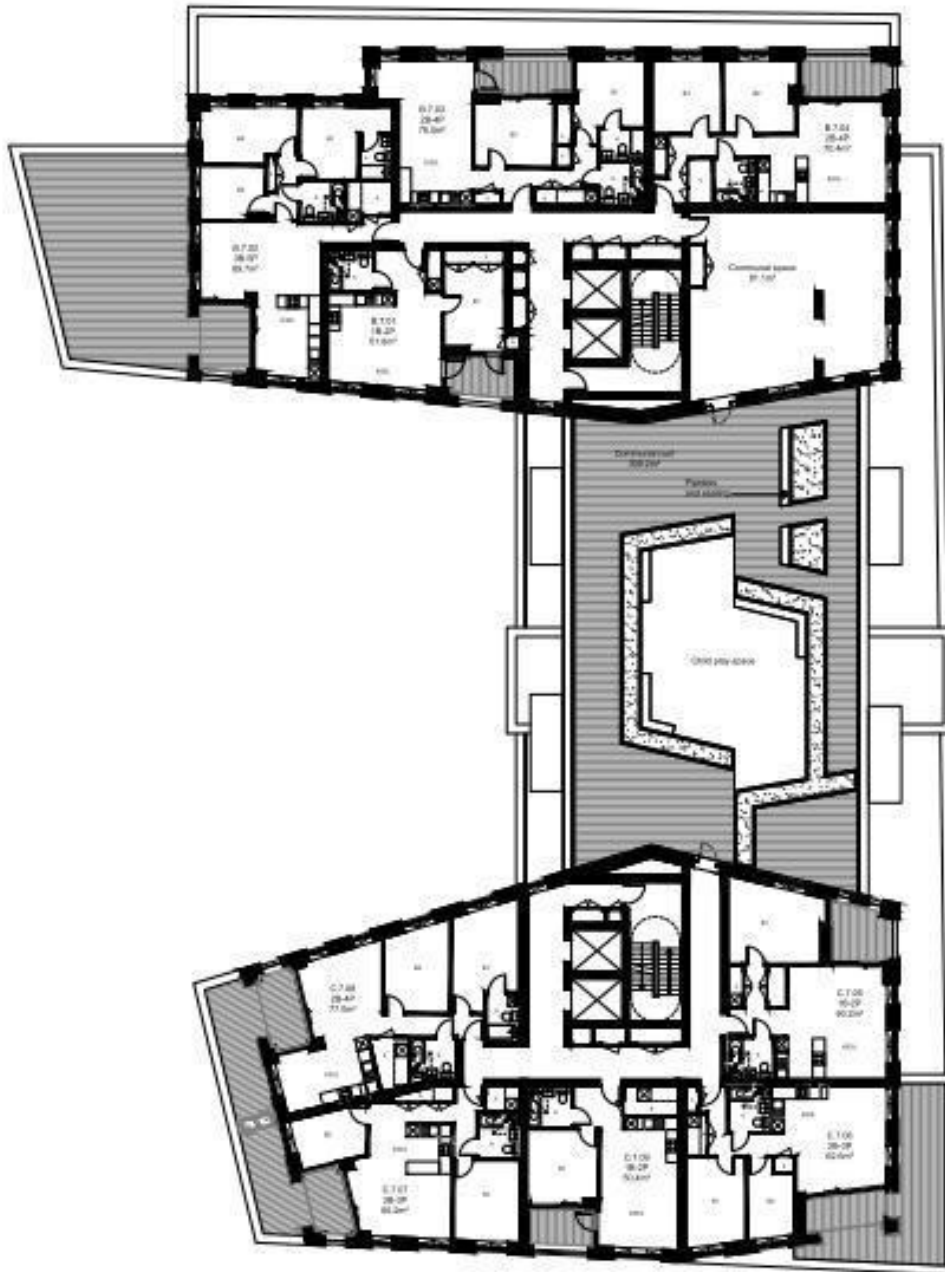
View of proposed public space:



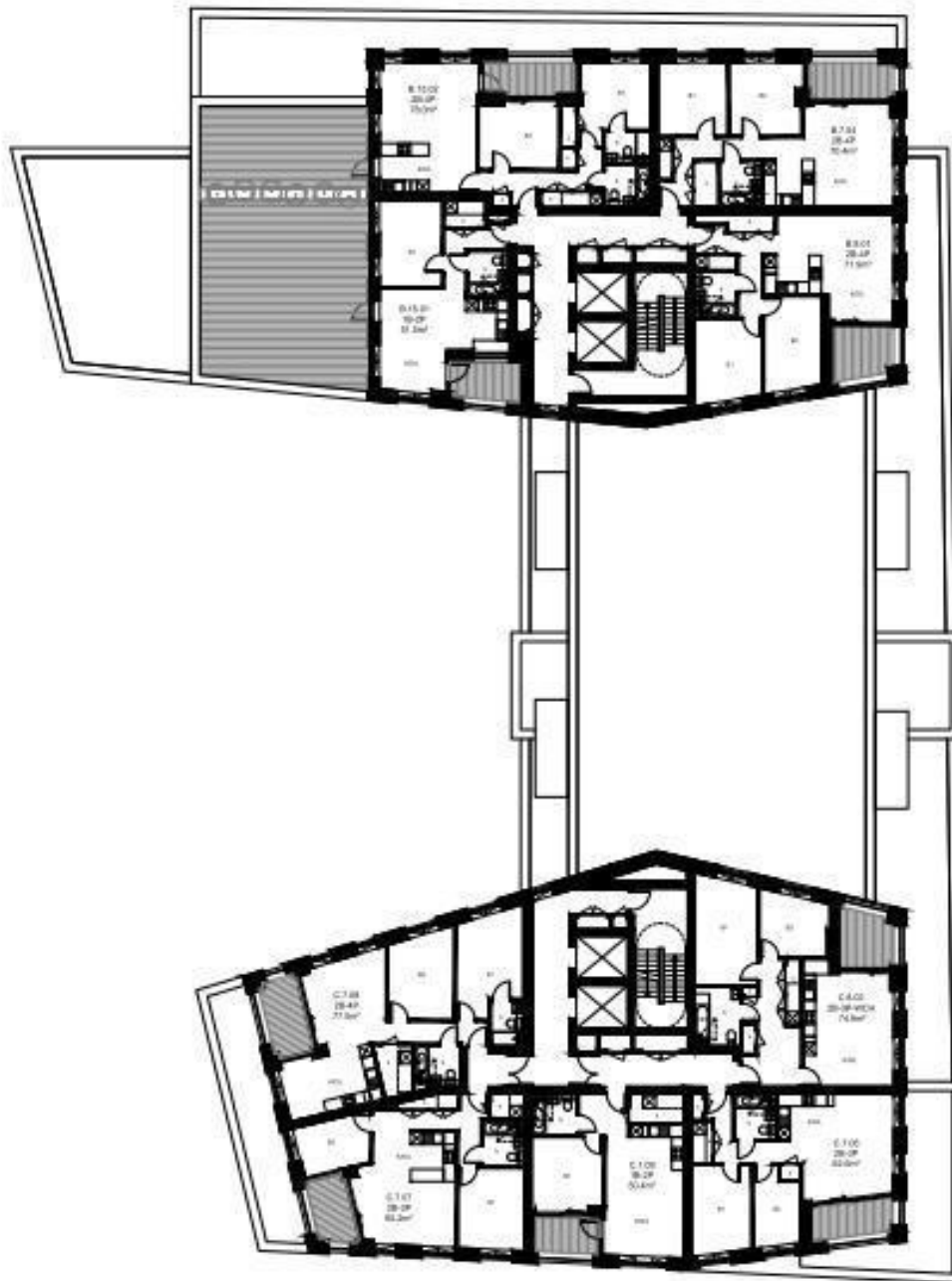
Ground floor plan



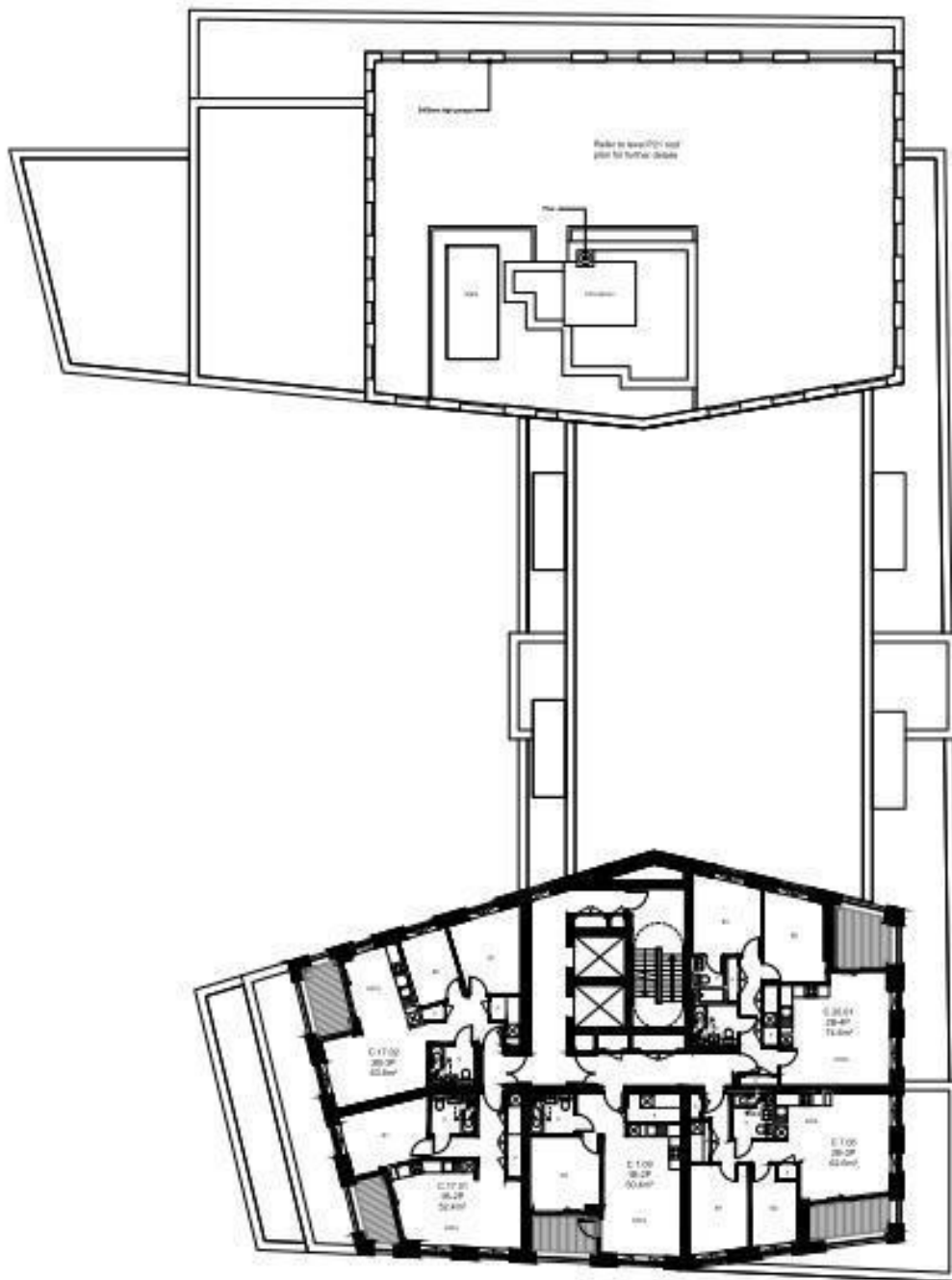
First floor plan



7th floor plan:



15th floor plan



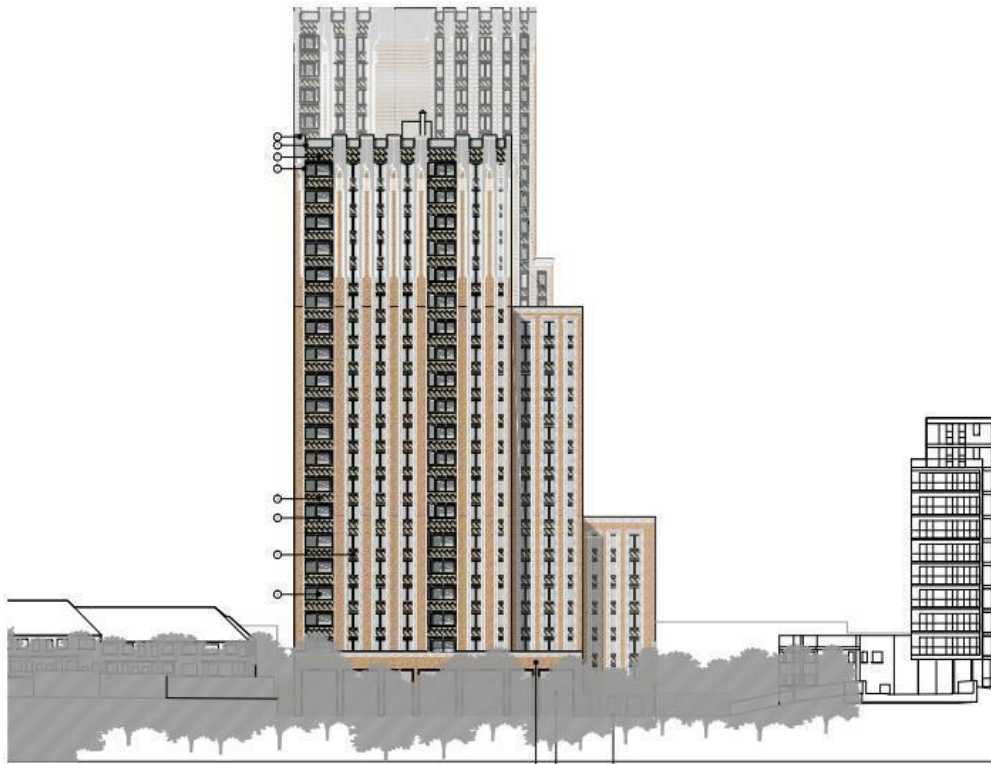
22-25 floor plan:



South Elevation



West elevation



North elevation



East elevation

RECOMMENDATIONS

Resolve to grant planning permission, subject to the Stage 2 referral to the Mayor of London, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Area Planning Manager or other duly authorised person to agree the exact terms thereof on advice from the Chief

Legal Officer, subject to the conditions set out in the Draft Decision Notice.

, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Proposed demolition of existing building and erection of 21 and 26 storey building comprising flexible retail/commercial (Use Classes A1-A4) and community uses (Use Class D1) at ground floor and basement level, 239 residential units (Use Class C3) on the upper floors and associated landscaping, public realm, ancillary servicing and plant, car and cycle parking and associated works.

B) EXISTING

Chesterfield House is a 7-storey concrete 1960's structure within the Wembley Town Centre and situated at the corner of Park Lane and Wembley High Road. It comprises a mixture of office accommodation with retail floor space at ground-floor level. The retail part of the building has a dual frontage facing both Wembley High Road and Park Lane.

Vehicular access to the site and parking within it is achieved via a ramp from an access point on Park Lane leading to a designated, open area at first-floor podium level. This provides 78 car-parking spaces. Five floors of office accommodation are situated above this car-parking area.

The site also includes an area of hardsurfacing and woodland behind the retail parade to the east.

The site is within the defined Wembley town centre boundary, and is identified as an opportunity site that is suitable for redevelopment within the Wembley Area Action Plan, Site Specific Allocations DPD.

This is not within a Conservation Area, nor does it affect any Listed Buildings.

It should be noted that the site has a PTAL rating of 6a which represents a level of accessibility defined by TFL as 'excellent'.

C) AMENDMENTS SINCE SUBMISSION

Since being submitted the following amendments have been made to the scheme:-

1. Changes to the finish of lower level elevational treatment and detail, as well brick combinations for the rest of the building.
2. Canopies to the High Road elevation have increased in height and changed size.
3. Changes to affordable housing offer following discussions with Council officers.
4. Further detail and clarification on access road to the north and an alternative layout if scheme brought forward.

D) SUMMARY OF KEY ISSUES

The key issues for consideration are as follows

- The opportunity for new homes, viability of the development and the contribution towards affordable housing on a site within the designated Wembley Opportunity Area and Housing Zone: The proposal accords with the uses set out within the Wembley Area Action Plan and helps to delivery the key objectives set out within planning policy, including the delivery of new homes and the continuation of the High Road retail offer.
- The appropriateness of a mixed use development including a community centre and the provision of a public square in this location. The uses accords with the uses set out within the Area Action Plan site designation.
- The impact of a tall building in this location. The proposal utilises good architecture with quality detailing and materials which contribute to the building acting as a regeneration marker for the town centre.
- The transport impacts of the proposed development. The site is in a area of excellent public transport accessibility and is considered to.
- The quality of the proposed residential accommodation. The proposal accords with the London Plan standards for residential quality. The external amenity space falls slightly below the Council's standards but the landscape proposals are considered to be of sufficiently quality to mitigate the shortfall.
- The impact of the development on the living conditions of neighbouring occupiers. The application has demonstrated that neighbouring residential units will mostly receive good levels of daylight and sunlight. This is considered to be a normal outcome of a high density, large scale development in a built up urban area.

- The proposal has been designed so that it allows the adjoining backland site be brought forward for development in the future.

E) MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Dwelling houses				25506.67	25506.67
General business use	6944.42		6944.42	-6944.42	-6944.42

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
EXISTING (Flats û Intermediate)										
PROPOSED (Flats û Market)	35	88	13							136
PROPOSED (Flats û Intermediate)	19	65	19							103

RELEVANT SITE HISTORY

12/1058 - Proposed extensions and alterations to and change of use of Chesterfield House, resulting in a 7- to 17- storey building comprising 727 rooms of student accommodation, reconfiguration of ground floor retail units and change of use to flexible uses within Use Class A1/A3, and ancillary works including landscaping works and alterations to servicing and access provision. **Withdrawn.**

09/2023 - Demolition of existing building and erection of a 29-storey building, comprising leisure facilities, including swimming pool (Use Class D2), and vehicular/cycle parking at basement levels, restaurants and cafes (Use Class A3) and retail (Use Class A1) at ground-floor level, restaurant (Use Class A3) and office space (Use Class B1) at first-floor level, 815 hotel rooms (Use Class C1) at upper-floor levels, green roofs and amenity terraces at roof level and associated landscaping to site. **Withdrawn.**

06/1864 - Demolition of existing building and erection of part 11-storey and part 17-storey building, comprising retail/restaurant use on ground and first floors fronting the High Road and on the ground floor fronting Park Lane, and remaining accommodation as Class B1 offices with basement parking for 28 cars, cycle store/plant, rooftop plant and vehicular access and servicing from Park Lane (pursuant to Section 3 (3)(a)(i) of the Town and Country Planning [Applications] Regulations 1988 and accompanied by Supporting Report [dated 31st May 2006]; Sustainability Strategy [dated August 2006] and Energy Strategy [dated 2 August 2006] and revised by letter dated 11 August 2006) and subject to a Deed of Agreement dated 14th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended. **Granted 06/02/2008.**

06/1560 - Renewal of full planning permission 00/1872 dated 04/07/2001 for demolition of existing building and erection of part 11-storey and part 17-storey building, comprising retail/restaurant use on ground and first floors fronting the High Road and on the ground floor fronting Park Lane, and remaining accommodation as Class B1 offices, with basement parking for 28 cars, cycle store/plant, rooftop plant and vehicular access and servicing from Park Lane (under Section 73 of the Town and Country (Planning) Act 1990 (as amended) and accompanied by Supporting Report (dated 31st May 2006); Sustainability Strategy (dated August 2006) and Energy Strategy (dated 2 August 2006) and revised by letter dated 11 August 2006. **Withdrawn.**

00/1872 - Demolition of existing building and erection of part 11-storey and part 17-storey building, comprising retail/restaurant use on ground and first floors fronting the High Road and on the ground floor fronting Park Lane, and remaining accommodation as Class B1 offices, with basement parking for 28 cars, cycle store/plant, rooftop plant and vehicular access and servicing from Park Lane. **Granted 04/07/2001.**

CONSULTATIONS

Press Notice published on 29/10/15
Site Notice(s) displayed on 30/10/15

The owner/occupier of 446 different properties were notified of the application 16/11/2015. This included properties in the following locations:

*Rosemead Avenue
Princes Court
South Meadows
Park Lane
Park Court
Lea Gardens
High Road
Elm Road*

At the time of writing this report five objections were received, raising the following concerns.

Grounds for objection	Response
The infrastructure of the area is inadequate for such a large development.	Through the Community Infrastructure Levy and S106 obligations, the development will contribute to the cost of the infrastructure it will rely upon.
The High Road is a busy route, building such a large number of flats will cause no end of disruption.	It is inevitable that there would be some degree of disruption, as there would with any large development of this sort of magnitude. A Construction Logistics Plan will be secured by condition, and there is other legislation (outside of planning control) that can be used to control working hours, and minimise noise and disturbance should this be required.
Outlook from surrounding properties will be destroyed.	Neighbouring outlook has been duly considered, and as set out in paragraphs 88-97 the separation distances will exceed the minimum 20m. Views of the High Road from individual buildings are not protected by planning policy.
Proposal will result in a loss of light to surrounding properties and their amenity spaces.	Daylight / sunlight report was commissioned and submitted with the application. The report found to result in acceptable impact on surrounding properties. This is elaborated on in paragraphs 88-97 of the report.
Local transport services will require an upgrade to cope with new residents. Limited car parking will also contribute to this.	The Transport Assessment does not show this to be the case, as there is a significant reduction in car parking provision within the site, with 20 disabled parking spaces to be provided. This is supported by TfL and your Transportation officers. See paragraphs 146-154
There is no detail in relation to future occupants of the retail units.	These details cannot be secured at application stage and will be the responsibility of the developer to ensure the units are occupied.
What would the impact be on the SSSI, Chiltern Railway Cutting	The Chiltern Railway Cutting is not allocated as an SSSI. Natural England have replied to the consultation and have no comments to make on the application.
Brent residents will not be able to afford the properties proposed.	The level of Affordable Housing provision is at the maximum reasonable proportion in line with Planning policy. The market value of properties cannot be considered within this application. This is elaborated on in paragraphs 8-19 of the report.
The development is huge and out of scale for the locality.	The proposed building is significantly taller than those surrounding it. However, both the GLA

	and CABE Design Review Panels have found the scale and height of the proposal to be acceptable. This issue is discussed in more detail in paragraphs 44-53 of the report below.
Objection to the separation of unit tenures in different blocks.	The layout of the development is assessed in paragraphs 35-43 of the report. There is circulation between the two blocks at the lower levels with a central entrance point to the building under the walkway.
Not enough local jobs to provide work for all the new residents.	The local job market is outside the remit of this application, however, through S106 employment/apprentice programme jobs will be created
Brent should invest in the borough in a different manner.	The application is not made by Brent Council and Brent Council is not the developer. However, through CIL and S106 agreement, improvements can be made to the locality to benefit the area.
There is a flooding issue at the junction of park lane following heavy rains, proposed development will contribute to this.	The Council's principal engineer is aware of this flooding problem in High Road j/w Park lane and this is due to depression in the carriageway. It has been arranged to install a drainage at this location in order to alleviate the flooding.
Open public space would serve as a focal point for unruly behaviour.	The incorporation of a publicly accessible space is considered to be appropriate within a Town Centre. The space has good levels of natural surveillance and there is no reason to believe that it will create such a focal point.

It should be noted that at the time of writing this report, six letters of support were also received.

An objection was received from Hallmark Estates who specify that they act on behalf of the freeholders of the land to the north of 412-444 High Road, Matbran. The letter specifies that neither the applicant nor anyone on their behalf have rights of either pedestrian or vehicular access over Matbran's land.

The land that Hallmark Estates refer to is to be used to access the proposed disabled parking bays. These bays are proposed in the location of a set of existing garages. The applicant has confirmed that the land containing garages benefits from full rights of access over Matbran's land.

STATUTORY CONSULTTEES

Transportation;-

Initial comments: subject to further details regarding the future-proofing of the proposed access road; amendments to the layout of the parking spaces and proportion of disabled spaces; provision of a loading bay and resurfacing of the service road; amendment of all access doors to the building so as not to open outwards; provision of a refuse storage area within 30m of the southern residential tower; and a financial contribution of at least £540,000 towards sustainable transport improvements in the vicinity of the site (to be secured through CIL), this development can be supported.

These matters were subsequently addressed, as discussed in the "detailed considerations" part of this report.

This recommendation is also subject to a S106 agreement to secure the future-proofing of the proposed access road; to secure a S278 agreement for the highway works; the submission and approval of a construction management plan; and the development being a 'car-free' scheme.

As well as an informative highlighting the need to obtain a S177 oversailing licence for the canopies from the Transportation Unit.

Landscape Design / Principal Tree Officer;-

On landscape issues I support this application.

Provision of one tree, Liquidambar styraciflua is proposed for wind mitigation in the ground level square. I would not want to see any more trees as one is enough in a space of this size.

Regulatory Services (Environmental Health);-

Following a review of the Air Quality Assessment this has been found to be acceptable in terms of its findings and recommendations. Subject to conditions relating to the CHP system, the proposal is acceptable on these grounds.

Subject to further conditions relating to noise and contaminated land (investigation and remediation), the proposal is considered to be acceptable.

Sustainability Officer (internal):-

This is a really well written and presented Energy statement. Despite applying a very calculated and equal consideration to Lean, Clean and Green measures as recommended by the London plan, the scheme only achieves a **25%** reduction and therefore does not meet the 35% reduction on Part L 2013. It is therefore recommended that a financial carbon off-set contribution of **£83,628** is sought through the Section 106 legal agreement.

Thames Water:-

No objection raised subject to appropriate conditions being attached to any decision, relating to drainage infrastructure.

Network Rail:-

Network Rail Property Development and the owners of Chesterfield House are working together to bring forward joint development including our own adjacent land. As part of this proposed delivery, Network Rail IP are designing suitable supporting structures and foundations which will take account of Network Rail asset constraints and will protect all Network Rail assets.

Natural England:-

Natural England has no comments to make on this application.

Transport for London:-

In summary, given the high accessibility and limited parking, along with a car-and-permit free agreement, it is unlikely to have a significant impact on the surrounding highway network. However, TfL wishes to raise detailed issues relating to the trip generation, pedestrian crossing improvements, bus capacity, walking and cycling connections, Legible London contribution and disabled parking, which should be addressed. Construction Logistics Plan, Service Management Plan and travel plan should all be secured by condition or through S106 agreement.

Greater London Authority (GLA):-

The application is referable to the Mayor of London under the provisions of the Town & Country Planning (Mayor of London) Order 2008. The application is referable under categories 1A and 1C of the Schedule to the Order 2008, namely the development comprises or includes the provision of more than 150 houses, flats or houses and flats, and includes the erection of a building more than 30 metres high, and is outside the City of London.

The Stage 1 report is dated 30/11/15. In their report it is stated that the principle of the housing-led mixed-use redevelopment of this site is supported. However, a number of strategic concerns are raised, and consequently the application does not accord with London Plan Policy.

- Housing:- The Council should ensure that the RPS units are secured through the S106 agreement, as well as confirming through the viability appraisal that the optimum affordable housing offer is provided and secured through the S106 agreement, in accordance with London Plan Policy 3.12. The Council should confirm that the proposed unit mix addresses local need. The applicant should also address concerns raised in respect of off-site play space and if necessary agree a contribution with the Council.
- Urban design:- The design quality of the scheme is generally high, but the applicant should seek to address outstanding concerns relating to the visual impact of the proposal in mid-range views, to ensure compliance with London Plan Policies 7.6 and 7.7. The Council should secure details of public realm levels, shopfront treatments, wind and noise mitigation by condition, as well as securing high quality detailing and the retention of the scheme architects for the detailed design phase.
- Climate change:- The energy strategy does not accord with London Plan Policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, future connection to a district heat network and the site-wide heat network is required. A contribution should be secured by the Council through the S106 to offset the carbon dioxide emissions of the development.
- Transport:- In accordance with London Plan Policies 6.1, 6.2, 6.3, 6.4, 6.7, 6.9, 6.10 and 6.13 the applicant should address concerns relating to trip generation, pedestrian crossing improvements, bus capacity, walking and cycling connections, Legible London contribution and disabled parking. A

construction logistics plan, service management plan and travel plan should all be secured by condition or through the S106 agreement.

Officers consider that these matters have been adequately addressed. Once Members have resolved to determine the application it is necessary to refer the application back to the Mayor for a decision as to whether to direct refusal, take it over for determination or allow the Council to determine the application itself. This is known as the Stage 2 referral.

Ward Councillors for Wembley Central, Tokyngton and Preston wards;-

No comments have been received at the time this report was written.

Statement of Community Involvement:-

The SoCI sets out the level of pre-consultation that was carried out, as required through the Localism Act (2011). The consultation process in full involved the use of a range of methods, set out in detail in the report, comprising of the following methods;-

2000 flyers distributed; A Formal Public Exhibition; Applicant phone line and email address; Meetings with the Friends of King Eddie's Park; Meetings with Ward Councillors; Presentations and Meetings with members; ad-hoc conversations and meetings with local residents; Opening up the existing building for CVS Brent, Wembley Futures and Ansar Youth Project; and the creation of meanwhile space for local start up businesses and creative enterprise.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application

- National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance (NPPG)
- Technical Housing Standards 2015
- London Plan 2015
- Mayors Housing SPG 2012
- London Borough of Brent Core Strategy 2010
- London Borough of Brent Unitary Development Plan 2004 ('saved' policies)
- Brent Supplementary Planning Guidance 17:- Design Guide For New Development
- Brent's106 Supplementary Planning Document
- Brent's Site Specific Allocations Development Plan
- Wembley Area Action Plan 2015
- Wembley Link Supplementary Planning Document 2011

DETAILED CONSIDERATIONS

Land Use Principles / Context

1. The site is situated within the designated Wembley Town Centre boundary. It is identified within the adopted Wembley Area Action Plan (2015) as Site W4. This site allocation seeks the regeneration of Wembley High Road as well as improvements to public realm and pedestrian access in the area. Site allocation W4 of the Wembley AAP identifies Chesterfield House (as part of a larger allocation comprising land north of High Road between Park Lane and Wembley Hill Road) as suitable for mixed use redevelopment with active frontages.

2. The Chesterfield House site is a key development site within the town centre, with the potential to deliver significant regeneration to Wembley town centre. Mixed use redevelopment is supported in policy terms.
3. The Wembley Link SPD (2011) seeks to encourage expansion of the existing town centre eastwards towards Wembley Stadium. Chesterfield House is identified as one of the key sites within this defined area. Through the SPD the Council seek to create high quality, active frontages to this part of the High Road. It identifies a number of locations which will provide an opportunity for taller buildings, such as the application site, and encourage exemplary standards of design and the provision of family housing where appropriate.
4. London Plan policy identifies Wembley as an opportunity area, and the site is within the designated Wembley Opportunity Area which has been identified as having the capacity to deliver 11,500 new homes and 11,000 jobs.
5. The Council has (in 2015) successfully secured GLA Housing Zone designation for Wembley. The application site is within the designated zone. This designation will help to increase and accelerate the delivery new homes in Wembley by 2021, including affordable housing. The current proposals will help to deliver a significant number of new homes.
6. The mix of uses at ground floor being sought are A1, A2, A3, A4 and/or B1, as well as the D1 Community Centre, along with a large element of residential use. The proposed range of uses are acceptable within a designated major town centre as defined in London Plan policy 2.15. In line with this policy the proposals will sustain and enhance the vitality and viability of the town centre function, accommodate economic and housing growth through intensification.
7. In light of the above, the general principle of the proposed uses within the application site via a residential-led mixed use scheme including commercial floorspace, and associated Public Square and amenity space is supported in accordance with local and strategic planning policy.

Housing

Proposed Residential Mix and Private Rented Sector Housing

8. The application proposes 239 residential units in total, which is equivalent to just under 16% of the borough's annual monitoring housing target as defined by the London Plan. The proposed delivery of new homes is strongly supported within London Plan Policy 3.3. It should also be noted that the proposal would provide 27% of the housing target within the site specific allocation (W4) in the Wembley AAP.
9. The application proposes a mix of open market sale units in the southern block and private rented sector (PRS) housing in the northern block. The PRS units would be provided at discount market rent as an affordable housing contribution.
10. The proposed development would provide the following schedule of accommodation:

Unit type	Market Sale (number)	Discount Market Rent (number)	Total	% of Total Scheme
1 bed	35	19	54	23
2 bed	88	65	153	64
3 bed	13	19	32	13
Total	136	103	239	100

11. Core Strategy policy CP2 sets out that 25% of all new housing should be family-sized (3+bedroom). The proposed development would provide 13% of units as 3 bedroom units (32 units) and therefore it is short of the Council's Core Strategy target. However, this is a constrained site and this is an important factor to recognise.

12. The balance of the housing mix is weighted mainly towards two-bedroom units, although there would be a slightly higher proportion of family sized dwellings within the discount market rent component of the scheme.

Affordable Housing

12. Policy 3.13 of the London Plan requires affordable housing provision on sites which have the capacity to provide 10 or more homes. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable. In line with London Policy 3.12 the maximum reasonable amount of affordable housing will be sought when negotiating on individual private residential and mixed use schemes, with due regard to a number of factors, including development viability.
13. The HUB Group planning application proposed the 136 flats in the South block as open market sale housing and the 103 flats in the North block as Discounted Market Rent (DMR) housing (43% affordable). 33 flats at a discount to full market rent on a permanent basis, and 70 flats at a discount on a temporary 7 year basis. Officers instead recommend the revised proposal that the North block be delivered as 68 DMR flats (28% affordable) and 35 Private Rented Sector (PRS) flats, all on a permanent basis, and as per the terms explained below.
14. The applicant has submitted a Financial Viability Assessment (FVA) to demonstrate the proposed affordable housing represents the maximum reasonable and viable amount the scheme can deliver, in line with planning policy. Independent review of the FVA has confirmed that to be the case.

Discount Market Rent

15. Discounted Market Rent (DMR) housing is low cost rented accommodation provided at a discount to full open market rents. The proposed DMR flats would comply with National Planning Policy Framework (NPPF) Affordable Rented housing rent controls of no more than 80% of the local market rent (inclusive of service charge). The key distinguishing feature is that the DMR flats would not be disposed to a Registered Provider, but would be held in the private sector. HUB Group propose to retain the DMR flats and contend their long term investment approach and delivery of DMR housing in a non-segregated block will provide more affordable housing than under a traditional approach.
16. Officers, including the Director of Housing, have held a series of meetings with HUB to determine the conditions under which the proposed DMR housing would best meet local needs. DMR flats at the lowest rents would be required to fulfil council statutory housing duties to eligible households on the Housing Register, including homeless households, in the same way as social rented and affordable rented housing. DMR flats at intermediate rents would be first targeted at working households on the Housing Register, then prioritised for people living and working in LB Brent. Appropriate working arrangements with the local housing authority would need to be secured and HUB have agreed to accept measures to that effect under the s106 legal agreement. The affordable housing heads of terms set out below include standard caps on rent levels and increases, and require agreements and plans be put in place to secure council nomination rights and govern lettings, tenancies and housing management. Assured Shorthold Tenancies would be offered to prospective tenants on fixed terms of between six months and two years.
17. Brent has used the private rented sector for many years to prevent homelessness, and post the Localism Act has increased discharge of statutory housing duties into the private rented sector. LB Brent nomination of eligible households on the Housing Register into DMR housing would extend that approach, albeit into a product required to be discounted to a lower more affordable rent level than the full open market rents in the private rented sector.
18. HUB Group initially proposed 33 DMR flats at rents capped at Local Housing Allowance (LHA) levels. LHA rents normally represent the maximum amount of housing benefit that tenants in the private sector can claim and are currently around 65% of full open market rents. Registered Providers also usually tend to cap affordable rent at LHA levels. As such rents capped at LHA levels are considered accessible to people on the Housing Register reliant on state benefits. The other 70 DMR flats would be at rents capped at 80% of Open Market Rent (OMR), which represents intermediate rented housing accessible to working households within London Plan intermediate housing income ranges, but which would then revert to full open market rents after 7 years. The HUB Group initial proposal would therefore deliver a headline 43% affordable housing.
19. Officers however take the view that the shortage of affordable housing in LB Brent is a long term problem. Affordable housing able to meet local housing needs should be delivered on this single phase scheme on

a permanent, not temporary, basis. HUB have therefore revised their proposal to provide 68 DMR flats permanently: 33 DMR flats at rents capped at LHA levels and 35 DMR flats at rents capped at 80% of OMR. The remaining 35 flats would be Private Rented Sector (PRS) housing at full open market rents. All 103 flats in the North block would be rented accommodation in perpetuity, and all 68 DMR flats discounted against full market rents in perpetuity, secured by s106 legal agreement. Officers consider this revised offer of 28% affordable housing on the following terms, in perpetuity, better meets borough housing needs into the longer term.

Financial Viability Assessment

20. The applicant HUB Group has submitted a Financial Viability Assessment (FVA) undertaken by Savills. The FVA contends 28% DMR housing, on the terms set out, represents the maximum reasonable and viable amount of affordable housing the proposed scheme can deliver in line with planning policy, with the residual value of the scheme in deficit against the Benchmark Land Value (BLV).
21. Officers appointed BNP Paribas to independently review the Savills FVA. BNP Paribas were charged with testing 1) whether the proposal delivers the maximum reasonable amount of affordable housing 2) what proportion of affordable housing could be delivered under a traditional mix of affordable rented and shared ownership housing disposed to a Registered Provider.
22. The BNP Paribas review disputes many of the assumptions made in the Savills FVA. Their report sets out the following recommended alterations:
 - Increase private residential sales values;
 - Increase the level of off plan sales;
 - Increase open market rents and as a result the linked discounted market rents;
 - Increase 'traditional affordable' housing values where this tenure is considered;
 - Reduce marketing and agency allowances for residential units;
 - Reduce allowances for residential legal fees;
 - Include a premium on the PRS units for the communal resident's room;
 - Adjust developer profit assumptions; and
 - Reduce Benchmark Land Value (BNP Paribas review on an EUV+ basis)
23. Adopting such assumptions, BNP Paribas can significantly reduce the deficit against the BLV in the FVA. The increased scheme residual is however insufficient to exceed the BLV. As such 28% DMR, on the terms agreed, is considered to represent the maximum reasonable and viable amount of affordable housing the scheme can deliver on a current day cost and value basis. BNP Paribas do sensitivity test scheme viability against residential sales growth forecasts, which indicate the scheme is forecast to achieve levels that meet and potentially exceed viability. Officers therefore recommend a proportionate review mechanism be secured under the s106 agreement.
24. Turning to the question of how much affordable housing could be delivered under a traditional mix of affordable rented and shared ownership housing disposed to a Registered Provider. Both Savills and BNP Paribas have tested the viability of such a mix on the basis of a scheme residual equivalent to that reached under the HUB DMR offers. Savills estimate that up to 13% affordable housing could be provided and BNP Paribas up to 14%, the precise level subject in particular upon whether an additional core would be introduced into a block in line with Registered Provider preferences to separate affordable housing to control ownership, service charges and housing management.
25. The DMR offer in this case is therefore seen to provide twice the affordable housing as could be viably provided under a traditional mix. There are three main reasons for this : 1) private sector discounted market rents will not be subject to the 1% annual rent reductions that will apply to social and affordable rented housing over 2016-2020 2) private sector discounted market rental investment is predicated on lower operating costs than traditional social and affordable rented housing 3) the single core design of the block allows for a greater amount of residential floorspace.

Affordable Housing Summary

26. In this particular case, the combination of an affordable housing product that Officers have worked with HUB Group to design to meet local needs, including the fulfilment of council statutory housing duties, together with a maximised amount of affordable housing versus a more traditional mix within the scheme financial viability envelope, as well as the benefit of dedicated private rented sector accommodation, lead Officers to recommend that 28% affordable housing be provided as Discounted Market Rent housing on

the scheme, subject to an appropriate s106 agreement and terms, the heads of which have been set out above.

27. Officers additionally recommend a review mechanism be secured under the s106 agreement such that if the scheme fails to come forward for development within 12 months of any grant of planning permission under the agreed terms, then the financial viability of the scheme and affordable housing obligations will be re-appraised.

Housing Quality

28. All of the proposed units have been designed to exceed the minimum sizes set out in the Mayors Housing SPG, ensuring compliance with London Plan policy 2.5. This is set out in the submitted accommodation schedule.
29. In compliance with London Plan policy, the proposal has a high residential quality with 5-8 units per core and 2.6m floor to ceiling heights. There are few north facing single aspect units and each block has an entrance to each circulation core that is fully accessible.
30. The proposal is London Plan compliant in respect of policy relating to accessible homes, units will be built to Lifetime Homes standard, and a minimum of 10% of units will be wheelchair accessible.

Density

31. London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in the London Plan and public transport capacity. London Plan Table 3.2 provides the density matrix in support of this policy. The site is regarded as having a 'central' setting with a high public transport accessibility level. The London Plan indicative residential density for this site is 650-1,100 habitable rooms per hectare.
32. The proposed development would have a density of 1,615 habitable rooms per hectare and this has been calculated based on the net residential site area. The density would be above the indicative ranges, although given the highly accessible and central nature of the site, a high density scheme would not necessarily be a concern. It is noted that the Mayor's supplementary planning guidance 'Housing' makes it clear that high density proposals need to be of the highest design quality, amenity and contribute to local place making. These matters are addressed in the following sections of the report below.

Loss of existing office and retail provision

33. The demolition of the existing building would result in a reduction in B1(a) office floorspace in Wembley. In considering its loss it should be noted that the site allocation W4, which envisages wholesale redevelopment does not require an economic assessment of lost office floorspace, nor does it require a re-provision of such floorspace. It is known and accepted that there is a surplus locally of older office stock, and proposals for new modern office floorspace are being directed away from the High Road towards the Wembley Stadium area. In this context there is no policy concern related to the loss of B1(a) office floorspace, nor is there a requirement for re-provision.
34. Retail and other flexible town centre use units are proposed as part of the redevelopment scheme and will contribute to the provision of such floorspace within the town centre location. This approach and re-provision of such units is supported within this context.

Urban Design

Layout

35. The overall approach to layout is accepted by council officers and has been supported by the GLA as well as the CABE Design Review Panel. The scheme would provide improved and more generous public realm along High Road, as well as providing potential to help unlock the future development of the adjacent backland site behind the shopping parade. The proposed introduction of a new public square off Park Lane is also a key asset of the scheme.
36. Given the north-south orientation of the site, the public space has been placed to the west so as to receive good natural daylight and sunlight. This has influenced the C shape of the building footprint.

37. The flanking of the square with active ground floor uses on three sides (including retail, residential entrances and a community centre) is strongly supported. The introduction of a colonnade under part of the southern block would increase public realm still further and improve the visibility of the square from the High Road, which is welcomed.
38. The flexibility of commercial uses being sought (Use Classes A1, A2, A3, A4 and B1) will allow for greater diversity of uses. This flexibility may be beneficial when it comes to letting of these units and reduce the potential for these to lay vacant, but also in terms of contributing to the vitality and viability of the commercial offer of the town centre.
39. The community centre is located at ground floor of the northern block with frontage on to the new public space. The internal space of the centre has been design so as to be flexible in order to cater for a range of occupiers and functions.
40. The proposal has created a generous amount of public, private and communal amenity space provision, utilising the north tower roof, the roof space to the 'plinth' between the two towers, generous balconies, a communal room for residents, as well as the new public space at ground floor.
41. Pedestrian access will be taken from both Park Lane and the High Road. Entrances and concierge areas have been grouped in the pedestrian link through the middle of the building which results in a shared entrance area which aids security through supervision and passive surveillance.
42. The proposed north tower will be set back from Park Lane by 10m and staggers in height, increasing further into the site. The southern block adopts the same approach and is set back between 5.5m and 9m from Park Lane, and will be set in from the High Road by 9m. The plinth element running between the two towers will be 25m from Park Lane. The proposed separation distances are sufficient for the proposal to feel of an appropriate scale at pedestrian level.
43. Generally the layout is considered to be acceptable and would result in a suitable form of development for the locality that will result in the provision of some much needed facilities. The active frontages and public space will be of great benefit to the High Road and town centre whilst also being of benefit to future residents of the building.

Tall building, scale and massing

44. Paragraph 4.30 of Brent's Core Strategy states that in determining planning applications for tall buildings, the Council will have regard to London Plan and the joint English Heritage and CABI Guidance on Tall Buildings (2007). Policy WEM5 of the Wembley Area Action Plan states that tall buildings will be acceptable in a limited number of locations within the Area Action Plan area, where they can demonstrate the highest architectural quality.
45. The Wembley AAP identifies the application site as being suitable for tall buildings (over 30 metres). Supporting text in the AAP with respect to building height also refers to the Wembley Link SPG -which states that new tall buildings in the area should not exceed the height of Wembley Central (13-storesys/55 metres) so that the tallest buildings are situated next to the station. It is noted that (at 26-storesys/85 metres) the proposal would be taller than envisaged by design guidance. However, these heights are captured within guidance rather than policy and the merits of the proposal, including the composition of taller buildings along the High Road, must therefore be considered. It should also be noted that the historically approved scheme at the site (application refs: 06/1864 & 00/1872) was for the erection of a part 11 storey, part 17 storey (83m) office building and also needs to be considered when assessing this application.
46. It is clear that this building will be significantly higher than those in the immediate surrounding area, however, the overall design and finish of the building are considered to be of great quality which help to soften the overall visual impact.
47. Through the pre-application discussions and consultations that have taken place, GLA officers as well the CABI Design Review Panel (DRP) consider that the principle of a tall building of the scale proposed at this highly accessible town centre and Opportunity Area site is acceptable in planning terms and your officers are of the same opinion. The CABI DRP specifically considered the height in relation to the existing and emerging context along the High Road, having regard to the policy and guidance. They considered that, on balance, the height of the building is appropriate in this context. Officers place a significant amount of weight on the views of the Design Review Panel with regard to urban design and

architecture as the panel comprises a group of expert architects, urban designers and other associated professionals.

48. Having regard to the requirements of London Plan Policy 7.7, Council officers are of the view that the overall configuration of massing is acceptable. The tallest elements present a generally slender profile when viewed from the east and west, and have been carefully aligned to provide views between them on both the east and west approach to the site along the High Road.
49. It has been identified within the Wembley AAP that views of the Stadium contribute a significant amount to the perception of Wembley as a whole, performing a range of functions that add a layer of depth to the visual experience of the area. Long range views shown within the submitted documentation demonstrate that the proposal would be subordinate in height compared to the Wembley Stadium arch, and would not detract from the appreciation of views towards the stadium.
50. It should be noted that in mid-range views, particularly from the north along Park Lane, the mass of the two towers can be seen to converge. However, the architects have responded to this concern by differentiating between the towers by using contrasting bricks for each one. This differentiation that occurs breaks up the visual mass of the building. To address this point further, the massing of the building has been articulated through the detailing to reduce the overall bulk of the building as far as possible. The taller elements have the effect of reinforcing the north and south corners of the Site – the southern block being higher to acknowledge its more important strategic location at the centre of the Town Centre, offering a marker which functions on the wider urban scale.
51. The building heights of the individual towers are: southern block – basement, ground and 25 upper floors (max building height 88.25m); northern block – basement, ground and 20 upper floors (max building height 71.5m). The previously approved development at the site measured 83m in height and was of a greater overall size and footprint.
52. Given the historical context of the site and the quality of design of the current proposal, the proposal is considered on balance to be acceptable at this height and in this location as a result of the design and wider benefits it will bring to Wembley.
53. Officers consider that the proposed development will be an acceptable addition to the local context in terms of height and scale. It improves views along the High Road by replacing the current poor quality building; improves the legibility of the town centre in short to medium distance views; and acts as a regeneration marker and visual signpost in medium to long distance views, acting either as a counterpoint to the stadium arch or within the cluster of buildings to signal the strategically important location. Some additional height and visual emphasis in the middle of the town centre will help to re-establish its importance.

Architecture and materials

54. When assessing the most recently approved scheme at the site (ref 06/1864), officers considered at the time that 'one of the key considerations in the determination of the previous application which is still current is the contribution that the development will make to the regeneration of Wembley Town Centre.' This view is still held by officers today.
55. In terms of architecture, the Proposed Development is suitably ambitious for a scheme in this key location and will represent a very substantial improvement on the existing buildings on the site. It is recognised that the Proposed Development will be considerably taller than the buildings in its immediate surroundings. However, the development by nature of its architecture and appearance, is respectful to the surrounding area yet provides a high quality landmark building in Wembley.
56. The architectural approach of the current proposal is strongly supported. The scheme proposes a simple high quality approach to architectural detailing and materials that would complement the orderly form of the building massing. The proposed use of varying types of high quality brickwork is supported, and would provide robust and durable elevations which subtly articulate the building's base, middle and upper levels. The detailing and build quality will however be critical to achieving the highest possible standard of architecture and the Council will secure key details to ensure this is achieved and built through.
57. Quality materials are proposed that weather well and provide a soft overall finish to the building. The brick architecture is highly distinctive, particularly in terms of the form and elevational approach of the two tower elements. This will represent a substantial improvement on the existing building on the site.

58. Decorative concrete panels, spanning between windows and on the face of balconies, are proposed to complement the vertical brickwork, improving the overall visual effect of the building. A pattern has been chosen that can be viewed from a range of scales, and ventilation openings to apartments are hidden behind perforated grilles below these panels.
59. Overall, the elevational treatment of the proposed scheme is considered to be high quality. The detailing is considered to provide a vertical emphasis which visually grounds the mass of the building to its site.
60. In order for the development to be delivered to the highest quality and to truly reflect the details and quality of finish submitted within the application it is important for the architects to be retained in the delivery and construction of the scheme. This will be secured through the S106 agreement ensuring Maccreehan Lavington are retained in an appropriate capacity following the decision.

Public Realm / Landscape / Amenity

Public realm

61. The approach to the public realm has been carefully considered as a principle driver for the Development's layout and is considered to be a major benefit of the proposals. Retail spaces have been given prime frontage off the High Road and it is considered that these units will help reinforce the existing street frontage. The colonnade will help to open the south western corner of the site up and will encourage people further round in to the site to use the open public space created.
62. The proposals are designed to deliver a usable and engaging space at ground floor level, to help bed the scheme into its setting and provide a new public realm offer for the Town Centre. The layout of the space provides opportunity for socialising and is complemented by the planting that will provide seasonal interest and variety.
63. The community centre is given a prominent location on the north side of the public space with a generous amount of outdoor space which can be utilised to increase the community centre's enjoyment of the site by maximising useage.
64. Details of external lighting for the development will be secured via condition, this will ensure a good lighting scheme is acheived by good lighting design through careful selection of light sources, luminaires and the method of installation.
65. The delivery of a top quality public space will be key to the development's success and therefore the final details of materials, planting species and layout of this area are to be conditioned to ensure that it is of sufficient quality and is delivered to a standard the scheme deserves.

Landscape

66. Within the public square, the planting beds and raised planters respond to the shape of the building and resulting open space created within the centre of the site. The features proposed help to respond to the change in levels of the site and the public footway to the west. Low level planting helps to visually soften the edge of the site but is permeable allowing views into and through the site. The raised planting beds provide opportunities for informal seating and socialising.
67. At the heart of the space will be a specimen tree which will form a strong focal point to the public space. A range of species have been selected appropriate to their location within the square and for use in an urban town centre environment. Species growing to appropriate heights have also been selected; ensuring light into the building is not restricted. The beds located by the community centre will be designed and planted by the community centre tenants to increase the sense of site ownership.
68. For the 7th floor roof garden the use of raised timber planters will help to soften the space as well as providing definition and separation between play space and the rest of the roof garden. Integrated into the raised planters will be seating within the community space and the play space. The layout of the planters will allow access to the edge of the roof garden for viewing and maintenance. The surface to the roof garden will be timber deck, complementing the timber planters. The surface to the play space will be a high quality, hard wearing, slip resistant rubber safety surface.
69. The layout of the level 21 roof garden refers to the building plan angles. Raised planters with integrated

seating create a series of spaces with varying aspects and degrees of enclosure/exposure. The planters create a cohesive layout which allows users to follow the sun around the space. A varying height mesh structure at the rear of the planters, accommodating climbing plants will provide shelter and rest points with an enhanced sense of enclosure. The garden will be softened with planting and finished with a floor of artificial grass to provide a comfortable domestic feel to the space.

70. The landscape approach has been supported by the Council's landscape officer and is considered to be appropriate for the locality. Further details of all of the materials and planting species and specimens will be secured via condition to ensure that the finished appearance and longevity of the area are considered to be appropriate.

Childrens play space / amenity space provision

71. London Plan Policy 3.6 seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation', including a benchmark of 10 sq.m. of usable space to be provided per child, with under-5 child play space provided on-site. It is anticipated that there will be approximately 60 children within the development of which 32 will be within the 0-5 age range.
72. There would be a requirement to provide 320 sq.m. of playspace for under 5s on site. There would be 68 sq.m. of doorstep play space provided on the 7th floor communal roof terrace, but this would be a significant shortfall compared to the benchmark standards. As such, the Council will seek an appropriate contribution for improvements to local play areas, in addition to any mitigation that may be required for older children.
73. The residential roof gardens at 7th and 21st floors will allow for strong communal social space for the residents of the development. The scheme will provide 2,003sqm of private amenity space for residents in the form of balconies and terraces, and 686sqm of communal amenity space in the resident's communal room and roof gardens.
74. To off-set the shortfall in children's play space a legal obligation through a S106 agreement will be secured to ensure that sufficient provision of facilities are provide in the locality off site to ensure an appropriate delivery.

Residential Quality

Internal

75. All of the proposed units have been designed to exceed the minimum sizes set out in the Mayors Housing SPG, ensuring compliance with London Plan policy 2.5. This is set out in the submitted accommodation schedule.
76. In compliance with London Plan policy, the proposal has a high residential quality with 5-7 units per core and floor to ceiling heights that exceed 2.5m. Each tower has an entrance to each circulation core that is fully accessible.
77. The residential units are predominantly double or triple aspect (70%) with single aspect north-facing units having been minimised during the design process. Sufficient storage space is provided in each unit with space for bulk storage provided in the basement. Additionally all kitchens receive natural daylight and ventilation.
78. The proposal is London Plan compliant in respect of policy relating to accessible homes, units will be built to Lifetime Homes standard, and a minimum of 10% of units will be wheelchair accessible.

External

79. All units have been provided with private balconies or terraces which meet the Mayor's minimum standards set out in the Mayor's Housing SPG. In addition to this a range of communal amenity spaces are provided within the development.
80. The proposal provides:

Courtyard	583sqm
Level 7 communal roof space	311sqm
Level 7 communal room (north tower)	82sqm
Level 21 communal roof space (north tower)	293sqm
Balconies	1,584sqm
Private terraces	419sqm
Total	3,272sqm

81. There is a shortfall in amenity space when compared to the standards set out in Brent's SPG17. The quantum of external amenity space would be 3,272sqm (13.7 sqm per flat), which does fall short of the minimum amenity space requirement of 20sqm per flat (4 780sqm). However it is important to recognise the site constraints that contribute to this shortfall. This is a dense residential development within a town centre location. Delivering the amount of amenity space required to satisfy SPG17 is a challenge on high density sites, and what is key in this instance is the quality and useability of the overall amenity space offer rather than a strict adherence to the overall quantum. The landscape concept is considered to be well thought out, it will offer a range of different spaces, some communal and others more intimate, with opportunities for formal and informal recreation and play. In addition to this, King Edward Park is in close proximity to the site. Section 106 contributions are sought towards improvements to the nearby King Edward Park to mitigate against the additional impact on the park associated with the shortfall in external amenity space. On balance the amenity space provision is considered to be of high quality and broadly acceptable.

82. A Daylight and Sunlight Report has been submitted to consider the levels of natural light that will be experienced within the proposed units and areas of open / amenity space. The layout of the development follows the BRE guidelines and will provide good daylight and sunlight conditions within the proposed accommodation.

Noise Assessment

83. A noise and vibration report has been submitted as part of the planning application. It provides an assessment of the potential effects of the development on existing occupiers in the locality as well as on future residents of the development itself.

84. Noise levels during demolition and construction are expected to rise but the temporary nature of these works and mitigation measures implemented would minimise the effects of this.

85. The change in use of the land of the existing site from commercial/retail to a mixed use residential-led site is not expected to have a significant adverse effect on the existing noise levels within the area given the types of surrounding uses in the locality, and the type of plant equipment to be used. Additionally, the acoustic glazing standards set out within the application will ensure the site will be suitable for residential use.

Inclusive Design

86. As set out above, all of the residential units will meet Lifetime Homes standards, and more than 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users. These would be split equally across the market sale and rented tenures

87. Furthermore, the application documents confirm that inclusive and convenient access for all will be achieved throughout the development, with all public realm spaces designed to ensure inclusive access with level, wide and smooth surface approaches and minimal obstacles. Level access will be provided to all non-residential uses, within all buildings and to external amenity areas. This is supported, however, it is felt necessary secure details of landscaping and site levels by condition, to ensure that inclusive design objectives are met.

Impact on neighbouring residents

88. The site is located to the east of King Edward Court and the two sites are separated by two public footpaths as well as the highway, Park Lane. The respective buildings would be at least 28m apart. The properties to the south of the site, 397 and 397a High Road would again be separated by two public footpaths and a highway and would be sited at least 23m away from the proposed building. The residential properties to the north, Park Court, are sited over 60m away from the site boundary.
89. The impact of the proposal on the amenity of these existing occupiers has been duly considered. It is relevant to note that the residential units within these existing buildings which face the application site already look onto the existing Chesterfield House building. With the levels of separation set out above, there are no concerns about undue overlooking or loss of privacy as these separation distances exceed the minimum SPG17 requirements.
90. The properties within the parade adjacent to the application site to the east are in much closer proximity to the application site than the properties mentioned above; however, they have a different orientation and do not directly face the proposed building and application site. There are no concerns about overlooking or loss of privacy to the occupiers of these units.
91. Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE, 1995) also known as the BRE Guide, was used to establish the extent to which the proposed development meets current best practice guides. The submitted Daylight, Sunlight and Shadow Assessment considers the effects of the proposal on the levels of daylight and sunlight received by nearby residential properties based on three analyses: Vertical Sky Component (VSC), Daylight Distribution (DD) and Annual Probable Sunlight Hours (APSH).

BRE Test	BRE Criteria
VSC Vertical Sky Component (VSC)	The loss of daylight to a window will be noticeable if the VSC will be reduced to less than 27% and less than 0.8 times its former value.
Daylight Distribution (DD)	The loss of daylight to a room will be noticeable if the area of the working plane which can receive direct skylight will be reduced to less than 0.8 times its former value.
Annual Probable Sunlight Hours (APSH)	A window should still receive enough sunlight if it receives at least 25% APSH for the whole year including 5% during the winter months. If the available sunlight hours will be less than this and less than 0.8 times their former value, either during the winter or over the whole year, it will be noticeable except where the reduction annually is no greater than 4% APSH.

The analyses has been applied to the following properties:

Address	Daylight	Sunlight
9-12 Park Court	Yes	Yes
5-8 Park Court	Yes	Yes
1-4 Park Court	Yes	Yes
1-57 King Edward Court	Yes	Yes
397C High Road	Yes	No
395 High Road	Yes	No
393 High Road	Yes	No
391 High Road	Yes	No

92. Within the BRE guidance it states that “windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed”. Consequently, for the purposes of this assessment: for daylight, living rooms, dining rooms and kitchens have been attributed high sensitivity, bedrooms low sensitivity; for sunlight, living rooms, kitchens/dining rooms and bedrooms have been attributed high, medium

and low sensitivity, respectively. Bathrooms, toilets, store rooms and circulation areas are attributed as negligible sensitivity and therefore, in accordance with BRE guidelines, have not been tested.

93. In terms of the Vertical Sky Component (VSC) and Daylight Distribution (DD), out of the 171 windows tested, 88 (51%) will satisfy the BRE guidelines, either retaining a VSC of at least 27% or at least 0.8 times their former value, and a further 77 (45%) are within 20% of the BRE guideline. Of the 127 rooms considered, 125 (98%) will satisfy the BRE guidelines and retain at least 0.8 times their former daylight area and the remaining 2 (2%) are within 20% of the guideline. Overall, therefore, the impacts on 96% of windows and 100% of rooms tested around the site will be either BRE adherent or within a 20% margin thereof, which is a good level of adherence to the guidelines in the urban context.
94. From the Sunlight tests on surrounding residential properties, all of the 65 windows tested (100%) will satisfy the BRE guidelines for winter sunlight. Therefore, the potential effects of the Proposed Development on sunlight amenity to all of the relevant properties tested will be of negligible significance.
95. The applicants study, based on the BRE guidance, has found that there are no relevant amenity spaces that will be affected by overshadowing due to their orientation or distance from the proposed development.
96. Officers stress that the BRE standards are guidance only and can be applied flexibly especially in denser urban areas. The numerical figures within the report should not be rigidly applied but used as part of a full evaluation of the site including the site context, the proposed massing, the scale and wider objectives of the development plan.
97. In summary, the assessment demonstrates neighbouring residential units will mostly receive good levels of daylight and sunlight. As referred to above there will be some instances where the BRE daylight guidelines will not be achieved, in relation to neighbouring properties. However, it is accepted that this is a normal outcome of a high density, large scale development in a built up urban area.

Climate change and Flooding

98. The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include sustainable drainage measures, use of low energy lighting and energy efficient appliances, high levels of insulation, and green roofs.

Energy efficiency

99. The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions, and a range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations.
100. The demand for cooling will be minimised through glazing ratio optimisation and solar control glazing. The applicant has stated that none of the dwellings will be at a high risk of overheating under the Part L assessment and that the cooling demand will be less than 1 % of the total development energy demand.
101. The development is estimated to achieve a reduction of 32 tonnes per annum (7%) in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development.
102. The energy strategy is designed to achieve regulated CO₂ emissions reductions, with the Proposed Development reaching a reduction of 25% beyond the requirements of the Building Regulations Part L 2013. This will be achieved through passive design and energy efficiency measures, a CHP engine and a PV Array.
103. There is currently no existing district heating network within the vicinity of the proposed development, however, the development is situated within the Wembley Central district heating opportunity area. The Proposed Development will therefore be provided with the capacity for future connection to a District Energy Network. This will be secured via condition.
104. Overall the measures proposed result in a 25% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which would fall short of the London Plan Policy 5.2 target of 35%. While it is accepted that there is little further potential for carbon dioxide reductions on site, the developer is required to ensure the shortfall in carbon dioxide reductions,

equivalent to 46 tonnes per annum, is met off-site. This will be secured through the S106 agreement.

Flooding

105. The site area is less than 1 hectare in size, and is located in Flood Risk Zone 1 meaning it has the lowest risk of flooding. The location of the proposed development, in an area at the lowest risk of flooding is in accordance with the sequential test, as set out in the National Planning Policy Framework (NPPF). There are areas within the wider surface water catchment in the Wembley area that are at high risk from surface water flooding. The application sets out a number of measures to deal with surface water, including green roofs and underground attenuation tanks. These measures would restrict surface water run-off to greenfield rates and given the nature and location of the proposals this approach is considered to be acceptable in terms of sustainable drainage. These details will be secured by an appropriate planning condition.

Air Quality

106. The site is located within an Air Quality Management Area declared for exceedances of nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀). The main risk associated with the Development is dust and emissions through construction activities.

107. The councils Environmental Health officers have reviewed the submitted environmental statements detailing the actions to be taken by the developer during construction and demolition phase of the development; and are satisfied with the proposals. Additionally, the Air Quality Assessment confirms that the air quality impact from the proposed CHP is assessed to be imperceptible.

108. In addition, modelling indicated that the dwellings will not be subject to air quality conditions over the annual mean objective values and therefore the site is suitable for its intended use in relation to air quality. The proposal accords with Brent's core strategy and Air Quality Action Plan.

Microclimate and wind study

109. An assessment of the likely wind microclimate conditions as a result of the development and the suitability of these in terms of pedestrian comfort for locations within and around the site has been undertaken. This is based on a desk-based assessment by Hoare Lea and a wind tunnel test by RWD1 based on the recognised standard Lawson criteria for pedestrian comfort and safety. The wind environment was assessed at a total of 17 locations, nine at ground level and eight above ground level. Only balconies considered to be at higher risk of adverse weather conditions were included in the assessment.

110. In terms of pedestrian safety, the wind conditions are rated as suitable at all locations.

111. The assessment shows that for locations at ground level the proposed building massing significance on local wind conditions would be either 'negligible' or 'minor beneficial'. In other words, that it either meets or exceeds the requirements for wind conditions at these locations. Therefore the entrance and exit points of the building are considered to provide a suitable standard of environment for their use and this is the same for the public square and other areas of the site where pedestrians will spend time standing, sitting etc.

112. For all locations above ground level the significance of the building massing was found to range between 'negligible' and 'major adverse'. The only locations that showed 'adverse' wind conditions are the north and south terrace balconies. In order to mitigate the risk of excessive windiness at these locations these terraces will include a brick parapet and glass balustrade, which will provide a level of screening from the wind. These details will be secured via condition to ensure that an appropriate standard of environment is created for these amenity spaces.

113. The development therefore is considered to accord with the planning policy and best practice guidance set out in the London Plan Policy 7.6 and BE12 of the Brent UDP.

Waste

114. A detailed service management strategy has been prepared, in accordance with Brent's own waste planning guidance (2013). This takes account of commercial and residential waste requirements. As discussed in the below 'Transport' section this is considered acceptable in terms of the on-site

management and collection arrangements proposed. No comments have been provided by the Council's Recycling and Waste team in respect of the overall strategy, and any response provided will be reported in a supplementary report.

Transport

Parking

115. This site lies within the Wembley redevelopment Masterplan area. As such, car parking standards for the proposed uses on the site are set out in the Wembley Area Action Plan.
116. The standard for residential use allows up to 0.4 spaces per unit for 1-/2-bed flats and 0.6 spaces per unit for 3-/4-bed flats where the public transport access is good. Applying this standard to the 239 flats within the proposed building gives an allowance of up to 102 residential parking spaces.
117. The proposed provision of 17 spaces within the adjoining service yard to the rear of 428-444 High Road (in place of a number of dilapidated garages and workshops) would therefore accord with maximum parking standards.
118. The initial provision of only eight disabled parking spaces within this total falls short of satisfying the requirements of standard PS15 of the adopted UDP 2004, by failing to provide a space for each of the 24 proposed wheelchair units. All 17 spaces have now been widened and marked for Blue Badge holders, with further details sought via condition of an appropriate means of managing access to allocated spaces for designated residents.
119. In addition, it is important that the surfacing of the car park be repaired and improved prior to the use of these spaces. Resurfacing works will be secured as a condition of any approval.
120. The provision of a pedestrian route through the building between Park Lane and the rear car park is welcomed and ensures that access distances for disabled residents to the spaces are complied with.
121. Four of the spaces will be provided with active electric vehicle charging points and four with passive charging points, which is welcomed.
122. Consideration also needs to be given to the impact of any overspill parking on highway safety and traffic flow in the area. In this respect, the site fronts London distributor road and local distributor roads and bus routes, along which residential parking is not feasible due to the presence of loading bays and pay and display parking bays. It is not therefore possible to safely accommodate overspill residential parking from a development of this size along the site frontage.
123. The site does have excellent access to public transport services though and is located within a Controlled Parking Zone, so there is the scope to apply a 'car-free' agreement to the proposed flats, thereby removing the right of future occupants of the development to on-street parking permits. This is to be secured through a Section 106 Agreement, with an obligation placed on the owner to notify all prospective residents in writing of the restrictions.
124. To support the 'car-free' housing, there are plenty of car club vehicles based in the local area. The presence of these operations should be promoted to future residents through the Travel Plan.
125. For the ground floor units, the maximum standard varies according to the use proposed, with one space per 100m² allowed for retail uses and one space per 400m² allowed for office uses. There are no standards in the WAAP for the community use, but standard PS12 of the adopted UDP 2004 would generally permit parking at a ratio of one space per five staff, plus an allowance for visitors depending on the type of use proposed.
126. The three units would therefore generally be permitted up to about ten parking spaces, but with no allocated commercial parking proposed anyway, standards would be complied with.

Cycle parking

127. Standard PS16 of the adopted UDP 2004 requires at least one secure bicycle parking space per flat, so the proposed provision of 432 secure residential bicycle parking spaces within internal storage rooms on the ground floor and basement of the building is more than sufficient to satisfy requirements.

128. For the commercial units, standards again vary according to use, but the proposed provision of 26 external spaces (13 'Sheffield' stands) within the proposed public plaza area on the Park Lane frontage for general visitors to the site is more than sufficient to satisfy requirements.

Servicing and access

129. Standards PS17, PS19 and PS20 of the adopted UDP generally require small retail and café units to be serviced by transit sized vans, with office units requiring servicing by 8m rigid vehicles. There are no specific servicing requirements for the community unit.

130. A means of pedestrian access is proposed into the rear of the larger commercial unit from the existing service yard to the rear of 428-444 High Road, whilst the smaller unit could also be serviced from that area by trolleying goods along the pedestrian link through the building to the front of the site. As such, the development has the potential to be serviced from an off-street location to the rear of the site.

131. However, the restricted width and headroom at the entrance to the yard, combined with the restricted space for vehicles to turn, means that whilst this area could cater for transit vans and 8m rigid vehicles, any larger vehicles would be likely to need to make use of the existing 20m long loading bay along the High Road frontage of the site.

132. In terms of refuse storage, one internal storeroom is proposed to the rear of the commercial units accommodating five Eurobins and five wheeled bins, whilst residential refuse storage for 47 Eurobins and 19 wheeled bins is proposed along a proposed service road at the rear of the building. This level of storage broadly complies with requirements. Concern has been raised with regard to carry distances for the residential units exceeding 30m, however, it has been clarified by the applicant that the refuse storage areas at the bottom of the south tower will provide a facility for day to day storage with on site management company dealing with the transfer of bins to the large storage area as they are filled.

133. Vehicular access is proposed to be retained to the rear service road/refuse store via a crossover from Park Lane. A secure 14.5m deep gated service yard area is proposed between the highway boundary and the building, within which refuse vehicles could stand clear of the public highway.

134. The existing crossover from Park Lane will need to be reduced in width and repositioned adjacent to the northern boundary of the site (although a 1m margin should be retained to the boundary fence) to suit the new access requirements and all amendments to the access will need to be undertaken at the developer's expense.

135. No turning space is available within the site, so refuse vehicles would need to reverse into or out of the service yard area from Park Lane. However, this is also the case at present, so the existing situation is not worsened. Adequate pedestrian and vehicular sightlines will be available from the access, subject to the retention of the 1m margin to the boundary fence mentioned above.

136. To help to manage deliveries, a Servicing Management Plan has been submitted to co-ordinate the predicted 18 deliveries per day that would be made to the building, comprising three by articulated lorry, 11 by rigid lorry, two by transit van and two by car.

137. The plan envisages most deliveries being made from the lay-bys along the Park Lane and High Road frontages, but no surveys have been undertaken to establish the level of use of these bays and whether they therefore offer sufficient spare capacity for these units (particularly since the loss of the existing rear service yard will by itself increase the demand placed upon the loading bay).

138. As mentioned above therefore, as much use as possible needs to be made of the service yard area fronting Park Lane in front of the refuse store/service road and of the service road to the rear of 428-444 High Road. In particular, smaller vehicles (transit- and Luton-type vans) must all be directed to use the service road to the rear of 428-444 High Road, within which a van-sized loading bay should be marked. This will help to maximise the availability of space within the on-street loading bay at the front of the site when required for larger vehicles. The Servicing Management plan and car park layout have been amended accordingly. These will be secured via condition.

139. In addition, whilst the Servicing Management Plan (SMP) covers important areas such as operating a booking system for deliveries with allocated timeslots to co-ordinate deliveries so as not to arrive at peak hours and not to arrive at the same time, the wording of the plan is consistently written to state what

could be done, rather than what would be done. The SMP as submitted should therefore be revised as a condition of any approval.

140. Fire access is provided from Park Lane, ensuring easy access to the firefighting lobby entrances, in turn providing direct access to the cores and associated fire fighting shafts. The proposals in terms of fire access and safety have been looked at by Brent Building Control Officers who have considered this approach to be justifiable. The London Fire brigade have been consulted on this scheme but have not yet responded.
141. Pedestrian access to the commercial units is proposed directly from the High Road and Park Lane frontages, but doors were originally shown opening outwards from the building. These must be open inwards in the interests of pedestrian safety and to avoid any conflict with S153 of the Highways Act 1980. Revised drawing were received which addressed this issue.
142. Canopies are also proposed above the High Road frontage and would be approximately 4.3m to 4.8m above ground level. These are welcomed in terms of providing shelter for passing pedestrians and provide adequate clearance above the highway. A S177 licence will need to be issued for these structures by the Transportation Unit and they are advised to contact the Head of Transportation accordingly.
143. Pedestrian access to the residential units is proposed to the rear of a new public plaza fronting Park Lane, which leads to a 4.1m high pedestrian link through the building to the service yard at the rear of 428-444 High Road. This is welcomed, providing an area of public realm in Wembley town centre and a means of potential future access through to any future development on the opportunity area known as Wembley Link. It is not expected that the plaza or link would be adopted as publicly maintainable highway.
144. The scheme also proposes enhancements to the public footway and hard landscaping along the Park Lane frontage. These would be welcomed in principle and should also include the High Road frontage, subject to the approval of details of the design and surfacing materials and undertaking of works through an agreement under S278 of the Highways Act 1980.
145. Please note that planting beds are proposed along the Park Lane frontage and care needs to be taken to ensure these do not encroach over the existing adopted highway.
146. The proposed link and access route to the rear of the site needs to be safeguarded and this will be secured through a S106 Agreement, allowing the Council to call upon the route to be provided at an appropriate time to service future development at no cost to the Council.

Trip Generation

147. Future predicted trips to and from this development have been estimated using comparisons with similarly located retail, office, community and residential developments within other areas of London that have very good access to public transport services. The sites chosen are considered to offer an appropriate comparison.
148. The above exercise gives estimated movements to and from the development totalling 52 arrivals/ 131 departures in the morning peak hour (8-9am) and 152 arrivals/136 departures in the evening peak hour (5-6pm).
149. Given the very low level of residential parking proposed and the constraints on on-street parking in the surrounding area, only 7% of future residential journeys have been assumed to be made by car and this assumption is accepted. A greater proportion of journeys for the commercial and community uses are assumed to be made by car though, as visitors can make use of nearby public car parks.
150. On this basis, just 9 arrivals/10 departures in the am peak hour and 22 arrivals/25 departures in the pm peak hour are estimated to be by car, although only a handful of these would actually be to and from this site (as opposed to nearby public car parks). On this basis, the actual impact of the development on the local road network is not considered likely to be significant enough to warrant further junction analysis, with the volume of vehicular movements being far lower than for the former use of the site as offices with a large car park.
151. In terms of public transport trips, the development is estimated to generate 53 additional bus journeys in

the am peak hour and 77 journeys in the pm peak hour, whilst 71 additional trips in the am peak hour and 98 additional trips in the pm peak hour are estimated to be made by tube/rail.

152. Transport for London have raised concerns over the number of additional bus journeys generated and the impact on bus capacity in the area. As bus service enhancements cannot be secured through the CIL, they have therefore requested a financial contribution through a Section 106 Agreement towards the service enhancements being identified through the forthcoming Wembley bus strategy and a reasonable contribution towards bus service enhancements would be welcomed by the Transportation Unit.

153. TfL have expressed no concerns regarding impact on rail or tube capacity.

154. Future walking and cycling trips to and from the site have been estimated at 29 trips by foot in the am peak hour and 50 trips in the pm peak hour (in addition to the public transport trips which need to travel by foot between the site and the station/stop), whilst 3 and 4 trips by bicycle are anticipated in each peak hour.

155. The proposed improvements to the footway along the site frontage to cater for the increased footfall are welcomed to help cater for the added footfall.

Road Safety

156. Personal injury road accidents in the vicinity of the site over the five year period May 2009-April 2014 have been examined in detail.

157. This identified 31 accidents over the study period at the High Road/Park Lane junction, of which four resulted in serious injury, with 13 involving pedestrians. Brent Council has previously identified proposals to improve this junction and in particular, provide improved pedestrian crossing facilities (the Park Lane arm currently has no dedicated pedestrian crossing phase).

158. Further afield, 12 accidents were recorded along Park Lane between High Road and Dagmar Avenue, of which three involved pedestrians crossing Park Lane. A total of 21 accidents were recorded in High Road between Park Lane and Wembley Triangle, of which two resulted in serious injury. Seven of these involved pedestrians.

159. Whilst these high accident rates are reflective of this busy town centre location, they also highlight a need to improve facilities for vulnerable road users in the area.

160. To this end, a corridor study is underway for Wembley High Road, examining future options to improve the safety and operation of junctions and links (including a review of proposals for the above cited Park Lane junction). Funding from any CIL contribution from this development towards development of the study and implementation of recommended options would be beneficial.

Travel Plan

161. To help to manage future trips to and from the site and ensure the development does not have any negative impacts, a framework Travel Plan has been prepared and submitted with the application.

162. This document sets out a range of measures to help to support sustainable travel, including provision of transport information to residents through Travel Packs and noticeboards, to be managed by a Travel Plan Co-ordinator and monitored over a period of five years.

163. The presence of local Car Clubs should be promoted to future residents and this should include engagement with car club operators to establish whether they would require dedicated parking space for vehicles on the site and include an offer of free or subsidised membership of a car club to new residents for an appropriate period of time.

164. Further details of how parking spaces would be managed should also be provided, whilst the commercial units should be encouraged to offer public transport season-ticket loans to staff.

165. The key target of the Travel Plan is to keep the modal share of trips by car to a maximum of 7%, which is sufficiently robust to be acceptable. Progress will be monitored over the course of five years, with additional measures introduced if necessary.

166. The Travel Plan has been assessed using TfL's ATTrBuTE programme and has passed. In the event that planning consent is granted, this should be subject to a S106 requirement to implement the Travel Plan, along with financial measures to support the promotion of local Car Clubs amongst residents.

Construction Impact

167. Initial information on construction activity has been included in the Transport Assessment.

168. Demolition and construction works are estimated to last 30 months, commencing 12 months after planning consent is granted. Working hours are proposed between 8am-6pm on weekdays and 8am-1pm on Saturdays, which are fine.

169. Construction traffic volumes are estimated to average six deliveries per day during the six month demolition period, increasing to ten per day during the two-year construction period. All HGV's will be routed to and from the site via the North Circular Road and Harrow Road, which is considered to be the most appropriate route.

170. At present, it is anticipated that the lay-bys alongside the site will be used to make deliveries, with the parking bays alongside Park Lane potentially being suspended. However, with a relatively large public plaza proposed within the site, it should be investigated whether space can be made available for vehicles to be un/loaded within the site, to avoid disruption to traffic and pedestrian movement in this busy town centre location, particularly on Wembley Stadium event days.

171. If not possible, any suspension of parking bays will need to be approved and implemented by Brent's Parking Service, whilst the proposed gantry above the footway (which is necessary to avoid a total footway closure) will require hoarding and scaffolding licences.

172. A formal Construction Management Plan is proposed to help manage all construction activity and this will need to be submitted and approved prior to any works beginning on site as a condition of any planning consent.

Public transport

173. TfL considers that the impact on tube and rail services is unlikely to be significant, however it is concerned about the implications for local bus services. TfL is in the process of finalising with Brent Council a bus strategy for Wembley in order to cater for the growth anticipated in the Opportunity Area. Although a bus corridor study is about to be undertaken, TfL is of the view that developments will need to contribute potentially through pooling contributions, towards bus capacity enhancements to accommodate the cumulative impact of developments in the area.

174. While the development currently benefits from being served by a high frequency bus corridor, all of the routes (with the exception of Route 92) are currently operating at capacity in the Wembley area. Routes 18 and 223 terminate nearby and are therefore unlikely to be impacted by the likely additional demand generated by the site. For routes 83, 182 and 204 demand outstrips planning capacity and with further developments coming forth from the Wembley Opportunity Area, this is forecasted to continue and be exacerbated. The TA gives a figure of 116 buses per hour (bph) peak along Wembley High Street whilst by TfL's calculation this is much lower at 64.5 bph.

175. TfL requires further discussion with the applicant to identify and agree an appropriate buses contribution, which will help deliver the aims of the emerging bus strategy and London Plan Policy 6.7 Better Streets and Surface Transport.

Community infrastructure levy

176. A financial contribution of at least £540,000 is sought from the development towards sustainable transport improvements in the vicinity of the site to help support the proposal and the Travel Plan initiatives. This can be taken from the CIL.

Relationship to the future redevelopment of the backland site

177. The proposal has been designed so as to future proof the scheme should the backland site be brought forward for development. An element of the Chiltern Line Cutting South has been included within the red line of the application to help safeguard the potential for a future access route through to the backland

from Park Road. This application does not propose development on the backland site but retains potential for future development.

178. The northern access road has therefore been created as a double height space and its dimensions and level gradient will allow for it to become a vehicular access route to the backland site in the future if required. If necessary, the residential bin store currently proposed for this location would be relocated as part of the backland site development.

179. The east-west pedestrian access route will allow pedestrian movement to the backland site and could form part of any future green link along the Chiltern Line Cutting if such a development were to come forward.

180. The current car parking proposals could be relocated and re-provided as part of any future comprehensive development for the backland site to ensure suitable provision is retained as well as allowing the development to take place.

Conclusion

181. Officers consider that, on balance, the scheme will make a positive contribution to Wembley town centre and help to realise long held ambitions for the redevelopment of the existing site, and the High Road. The subject site is designated as an appropriate location for a "tall building" (30 m or higher), but the proposed building considerably taller than Wembley Central Building 1 which the Wembley Link Masterplan SPD specified should be the tallest of the buildings along the High Road. Nevertheless, the quality of the architecture and detailing is very high and the panel of expert architects and designers who sit on the CABE Design Review Panel consider the height of the proposed building to be acceptable within this context. The proposal also has strategic support from the GLA.

182. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

SUSTAINABILITY ASSESSMENT

ENERGY

The applicant has supplied an energy statement as part of the submission which indicates measures that will achieve a 25% reduction in CO₂ emissions beyond the requirements of Part L of the 2013 Building Regulations. This is not strictly in compliance with policy 5.2 of the London Plan, falling short of the target 35%. The energy statement has been reviewed by the Council's Sustainability Officer and is considered that a carbon off-set contribution should be secured to make up for the identified shortfall. Compliance with this target and the wider sustainability measures should be secured in a s106 agreement, or by condition as part of any permission.

In the Mayor's Stage 1 report it was confirmed that the scheme has broadly followed the energy hierarchy. It was also accepted that there is little further potential for carbon dioxide reductions on site; however, it should be ensured that the shortfall is met off site through a S106 agreement.

S106 DETAILS

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

1. Payment of the Council's legal and other professional costs on completion of the deed in (i) preparing and completing the agreement and (ii) monitoring its performance;
2. Notification of material start 28 days prior to commencement;
3. A 'parking permit restriction', withdrawing the future right of residents and business occupiers to on-street parking permits in the vicinity of the site;
4. Join and adhere to Considerate Constructors scheme;
5. Energy - Achieve a 25% reduction in CO₂ emissions beyond the 2013 Building Regulations and to provide a carbon off-set contribution of £83, 628 to be used towards on / or off-site improvements related to carbon reduction to off-set the shortfall below the target 35%;
6. Undertaking of highway works along the Park Lane and High Road site frontages through an agreement under S278 of the Highways Act 1980, to resurface the footways adjoining the site (including amendments to street furniture) and to amend the existing vehicular access onto Park Lane to suit the revised access arrangements, in accordance with detailed plans to be approved by Brent Council's

- Transportation Unit;
7. TfL contribution towards bus capacity enhancements in Wembley £tbc;
 8. Safeguarding of the future service road along the northern side of the development, to allow it to be used to provide vehicular access to development land to the rear of the site, to be provided upon the service of a notice by Brent Council;
 9. To allow easy connection to a Decentralised Heat / Energy Network should one be implemented in the area in the future.
 10. Financial contribution to mitigate shortfall in local residential amenity provision, including contribution to improvements to King Edward VII Park £tbc.
 11. That all 103 flats within the Northern Tower are to be provided as rented accommodation in perpetuity.
 12. Affordable Housing : The provision of 68 Discounted Market Rent (DMR) flats including:
 - 33 flats (4x1, 20x2, 9x3) with rents capped at the lower of LHA rates or 70% Open Market Rent (OMR) (inclusive of service charge)
 - 35 flats (7x1, 21x2, 7x3) with rents capped at 80% OMR (inclusive of service charge)
 - DMR flats rent increases limited to CPI + 1% per annum, with rent levels re-based on re-letting to new tenants
 13. Private Rented Sector : The provision of 35 flats (8x1, 24x2, 3x3) at Open Market Rental values.
 14. 100% nomination rights to London Borough of Brent for the 68 affordable DMR units to house people on LBB housing waiting list (Bands A, B, C and D) and advertised through Locata choice-based lettings system or subject to direct Council nomination, and subject to a relevant affordability test and suitable cascade and prioritisation arrangements after a reasonable period of time;
 15. Priority to all rented units given to people living and working in LB Brent and tenancy agreements and housing management arrangements to be delivered through a single housing management agency, with Assured Shorthold Tenancies to be offered to prospective tenants on fixed terms of between six months and two years
 16. LBB Nominations Agreement, Housing Management Plan and Marketing and Lettings Strategy to be entered into 6 months prior practical completion of the Discounted Market Rent (DMR) units
 17. Housing Management Plan to include requirements equivalent to Brent's Private Sector Landlord Licensing regime and Brent's Tenancy Strategy

And, to authorise the Head of Area Planning, 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.

CIL DETAILS

This application is liable to pay **£5,489,656.74*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): 6944.42 sq. m.

Total amount of floorspace on completion (G): 26416.67 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	25506.67		18801.4709 994674	£200.00	£35.15	£4,616,432.61	£811,338.03
Shops	910		670.779000 532618	£40.00	£35.15	£32,940.04	£28,946.06

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	275	
Total chargeable amount	£4,649,372.65	£840,284.09

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least

six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====

Application No: 15/4550

To: Hannah Willcock
DP9
100 Pall Mall
London
SW1Y 5NQ

I refer to your application dated 20/10/2015 proposing the following:
Proposed demolition of existing building and erection of 21 and 26 storey building comprising flexible retail/commercial (Use Classes A1-A4) and community uses (Use Class D1) at ground floor and basement level, 239 residential units (Use Class C3) on the upper floors and associated landscaping, public realm, ancillary servicing and plant, car and cycle parking and associated works
and accompanied by plans or documents listed here:
Please see condition 2.

at Chesterfield House, 9 Park Lane, Wembley, HA9 7RH

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

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2012
 London Plan 2015
 Brent Core Strategy 2010
 Brent Unitary Development Plan 2004
 Council's Supplementary Planning Guidance
 Wembley Area Action Plan 2015

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

Built Environment: in terms of the protection and enhancement of the environment
 Environmental Protection: in terms of protecting specific features of the environment and protecting the public
 Housing: in terms of protecting residential amenities and guiding new development
 Employment: in terms of maintaining and sustaining a range of employment opportunities
 Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
 Transport: in terms of sustainability, safety and servicing needs

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

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

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

Existing Site Location Plan: MLA_PL_360_00_000_Rev0
 Existing Site Plan: MLA_PL_360_00_001_Rev0
 Existing Ground Floor Plan: MLA_PL_360_00_100_Rev0
 Existing 1st Floor Podium Plan: MLA_PL_360_00_101_Rev0
 Existing 2nd - 6th Floor Plan: MLA_PL_360_00_102_Rev0
 Existing Roof Plan: MLA_PL_360_00_107_Rev0
 Existing Basement Plan: MLA_PL_360_00_199_Rev0
 Existing South Elevation: MLA_PL_360_00_210_Rev0
 Existing West Elevation: MLA_PL_360_00_211_Rev0
 Existing North Elevation: MLA_PL_360_00_212_Rev0
 Existing East Elevation: MLA_PL_360_00_213_Rev0
 Existing Section AA: MLA_PL_360_00_300_Rev0
 Existing Section BB: MLA_PL_360_00_301_Rev0
 Existing Section CC: MLA_PL_360_00_302_Rev0
 Existing Section DD: MLA_PL_360_00_303_Rev0
 Proposed Site Plan: MLA_PL_360_10_001_Rev0
 Proposed Ground Floor Plan: MLA_PL_360_10_100_Rev A
 Proposed 1st Floor Plan: MLA_PL_360_10_101_Rev0
 Proposed 2nd Floor Plan: MLA_PL_360_10_102_Rev0
 Proposed 3rd - 6th Floor Plan: MLA_PL_360_10_103_Rev0
 Proposed 7th Floor Plan: MLA_PL_360_10_107_Rev0
 Proposed 8th - 14th Floor Plan: MLA_PL_360_10_108_Rev0
 Proposed 15th Floor Plan: MLA_PL_360_10_115_Rev0
 Proposed 16th Floor Plan: MLA_PL_360_10_116_Rev0
 Proposed 17th Floor Plan: MLA_PL_360_10_117_Rev0

Proposed 18th – 19th Floor Plan: MLA_PL_360_10_118_Rev0
 Proposed 20th Floor Plan: MLA_PL_360_10_120_Rev0
 Proposed 21st Floor Plan: MLA_PL_360_10_121_Rev0
 Proposed 22nd – 25th Floor Plan: MLA_PL_360_10_122_Rev0
 Proposed 26th Roof Level Plan: MLA_PL_360_10_126_Rev0
 Proposed Roof Plan: MLA_PL_360_10_127_Rev0
 Proposed Basement Plan: MLA_PL_360_10_199_Rev0
 Proposed South Elevation: MLA_PL_360_10_210_Rev0
 Proposed West Elevation: MLA_PL_360_10_211_Rev0
 Proposed North Elevation: MLA_PL_360_10_212_Rev0
 Proposed East Elevation: MLA_PL_360_10_213_Rev0
 Proposed South Courtyard Elevation: MLA_PL_360_10_214_Rev0
 Proposed North Courtyard Elevation: MLA_PL_360_10_215_Rev0
 Proposed Section AA: MLA_PL_360_10_300_Rev0
 Proposed Section BB: MLA_PL_360_10_301_Rev0
 Proposed Section CC: MLA_PL_360_10_302_Rev0
 Proposed Section DD: MLA_PL_360_10_303_Rev0
 Proposed Layout Plan - Unit C.1.04 (2B3P WCH): MLA_PL_360_50_01-04_Rev0
 Proposed Layout Plan - Unit C.1.09 (1B2P): MLA_PL_360_50_01-09_Rev0
 Proposed Layout Plan - Unit B.2.03 (3B5P): MLA_PL_360_50_02-03_Rev0
 Proposed Layout Plan - Unit B.07.03 (2B4P): MLA_PL_360_50_07-03_Rev0
 Planning Statement, DP9 Ltd
 Design and Access Statement, Maccleanor Lavington Associates
 Landscape Strategy and Plans, UBU Designs Ltd
 Affordable Housing Statement, Savills
 Transport Assessment, Ardent
 Servicing Management Plan, Ardent
 Framework Travel Plan, Ardent
 Utilities Assessment, Ardent
 Sustainability Assessment, Hoare Lea
 Energy Strategy, Hoare Lea
 Statement of Community Involvement, Chesterfield House Partners LLP
 Daylight and Sunlight Assessment: Within the Development – Ansty Horne
 Environmental Statement, AECOM

- Non-Technical Summary
- ES Volume 1: Main Text Chapters
- ES Volume 2: Townscape, Visual and Heritage Impact Assessment, Peter Stewart Consultants/DP9 Ltd
- ES Technical Appendices

 Chesterfield House Post-submission amendments dated February 2016

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

- 3 All disabled parking spaces (which shall be used exclusively by Blue Badge residents), cycle parking stands, loading / servicing turning area and refuse and recycling facilities shall be provided and permanently marked out prior to occupation of any part of the approved development in full accordance with approved plans, and thereafter retained in accordance with the approved details and used solely for purposes ancillary to the approved development throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Furthermore, a minimum of 20% of parking spaces shall be provided with active electric vehicle charging points and 20% with passive charging points, and thereafter retained in accordance with the approved details throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and to provide sufficient vehicle parking.

- 4 The Combined Heat and Power unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Assessment. Prior to the commencement of the use the applicant shall provide details of tests undertaken on the

installed unit to demonstrate that the emissions standards have been met, and shall maintain the unit thereafter in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- 5 Prior to any demolition works, a qualified asbestos contractor shall be employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

- 6 Not less than 10% of residential units shall be wheel chair accessible (in the case of Affordable Rented units) or Easily Adaptable (in the case of Private and Intermediate units) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

- 7 The area referred to as public square within the plans hereby approved shall be provided upon first use of the buildings hereby approved, shall be made publicly accessible and shall be permanently maintained thereafter for the lifetime of the development.

Reason: In the interests of amenity and the environment for residents and other users of the development and the High Road.

- 8 Development shall not commence (save for demolition) until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed in full thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 9 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

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

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Testing shall be carried out to demonstrate that the required internal noise levels have been met and the results of that testing shall be submitted to and approved in writing by the Local Planning Authority prior to

first occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance

10

- 11 Any plant together with any associated ancillary equipment shall be installed, so as to prevent the transmission of noise and vibration into neighbouring premises. A test shall be carried out to demonstrate that the sound levels for plant submitted with the planning application have been met, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the use of that plant equipment (save for the usage to test the equipment).

Reason: To prevent increment of local area noise levels.

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

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

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

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

- 14 The uses hereby approved shall not commence until a detailed Delivery and Servicing Plan (including details of a pre-booking system for servicing vehicles) has been submitted to and approved in writing, by the Local Planning Authority which shall include further details to demonstrate how the different servicing demands will be appropriately managed on site. Thereafter the approved plan shall be implemented in full for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of pedestrian and highway safety.

- 15 In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, a communal television system/satellite dish shall be provided. The equipment shall be located so as to have the least impact on the external appearance of the development.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- 16 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction work is commenced (save for demolition). The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

locality.

- 17 Prior to the commencement of any works on the site a Construction Logistics Plan, including but not limited to detailed measures of how construction related traffic is to be managed, shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to mitigate the impact of the development on local highway conditions during the works.

- 18 Prior to commencement of works (save for demolition) further details of mitigation measures, to ensure an acceptable environment is maintained in terms of pedestrian comfort and wind force conditions for the north and south terrace balconies, are to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with these approved details, and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe occupancy of the site.

- 19 Prior to commencement of works (save for demolition) further details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented thereafter, and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety, amenity and convenience.

- 20 A Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or construction works on site. The approved Statement shall be fully implemented thereafter in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the detrimental effects of noise and disturbance from demolition / construction works on adjoining sites and nearby residential occupiers.

- 21 Prior to the commencement of development (save for demolition) full details of a scheme of drainage measures for all areas of hard surface within the site, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 22 Prior to the occupation of the development hereby approved details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.6

- 23 No development shall commence on site (save for demolition) until a Training & Employment Plan in accordance with the Brent Employment, Enterprise and Training Initiative has been submitted to and approved in writing by the Local Planning Authority which shall include but not be limited to the following:

- (i) the details of the Training & Employment Co-ordinator;
- (ii) a methodology for meeting the Training & Employment Targets and the Training & Employment Reporting Schedule;
- (iii) a commitment to offer an interview to any job applicant who is a resident in Brent provided that they meet the minimum criteria for the particular job

The approved Training and Employment Plan shall be implemented throughout the construction of the development.

Prior to first occupation of the building, a Training & Employment Verification Report shall be submitted to and approved in writing by the Council.

Reason: In the interest of providing local employment opportunities.

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

- (a) proposed walls and fences and other means of enclosure indicating materials and heights;
- (b) proposed finish levels and contours;
- (c) soft landscape works including planting plans and where appropriate; an implementation programme should be submitted.
- (d) minor artefacts and structures;
- (e) areas of hard landscape works and further details of the proposed materials;
- (f) details of the proposed arrangements for the maintenance of the landscape works;
- (g) further details of all outside seating and children's play equipment;
- (h) details of screening for the roof terraces for safety and to reduce the impact of wind.

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

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area

INFORMATIVES

- 1 If the development is carried out it will be necessary for existing crossing(s) to be altered over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 2 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
 - (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 5 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

Any person wishing to inspect the above papers should contact Andrew Neidhardt, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1902

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 February, 2016

15/4590

SITE INFORMATION

RECEIVED: 22 October, 2015

WARD: Queens Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 76-78 Salusbury Road, London, NW6 6PA

PROPOSAL: Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 8 self-contained flats (3 x 1bed, 3 x 2bed and 2 x 3bed) together with associated alterations to include removal of rear dormer window, new 2nd floor rear extension, stairwell extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening, cycle parking spaces and bin stores

APPLICANT: Ashcross Ltd

CONTACT: Icen Projects Ltd

PLAN NO'S: 5332 22 C
5332 23 C
5332 24 C
5332 25 C
5332 26 C
5332 27 C
5332 28 C
5332 29 C
5332 30 C
5332 21 C
Design and Access Statement

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Devices](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_124692

[When viewing this in Hard Copy](#)

Please follow the following steps

1. Please go to www.brent.gov.uk/pa
2. Select Planning and conduct a search tying "15/4590" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: 76-78 Salusbury Road, London, NW6 6PA

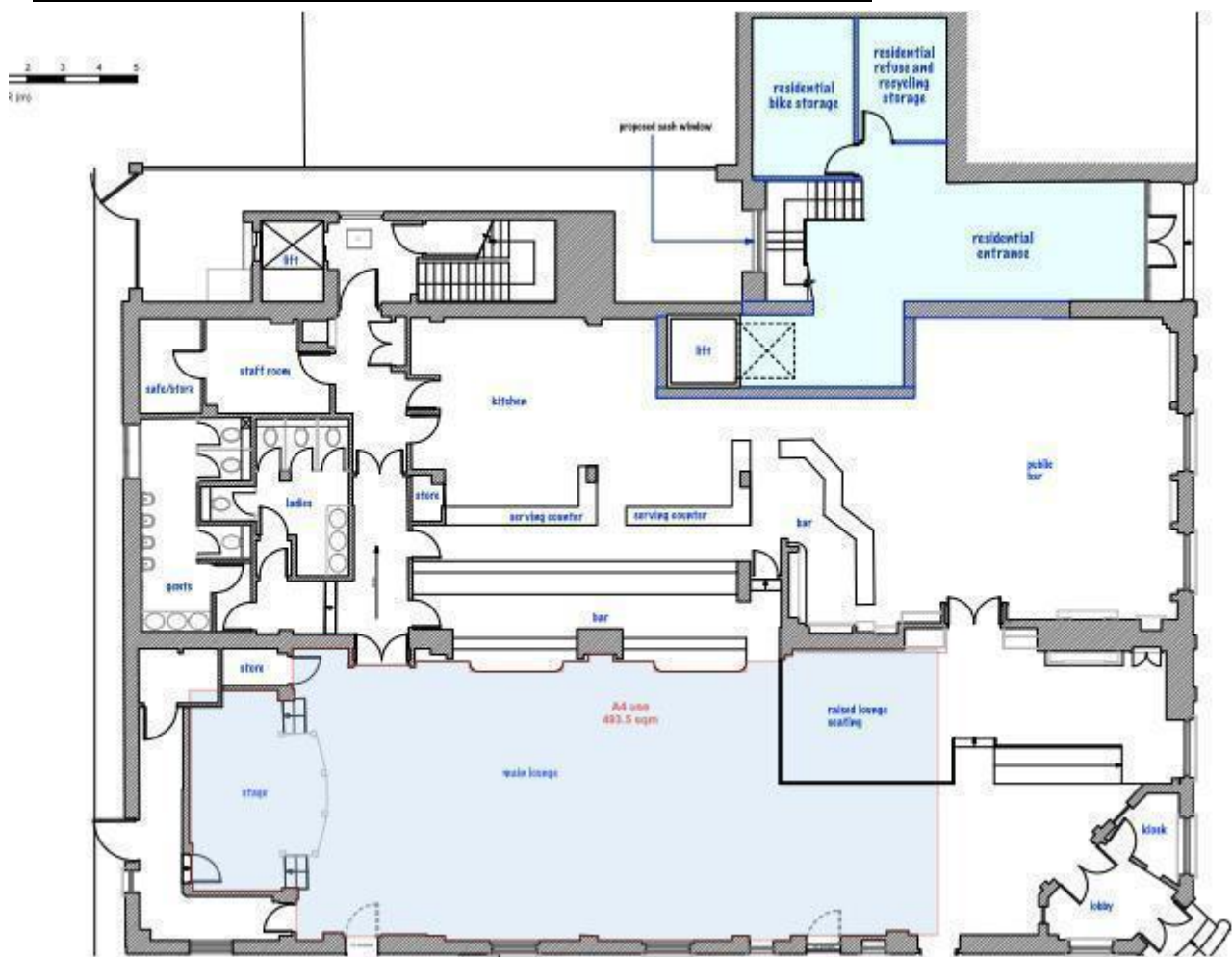
© Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.

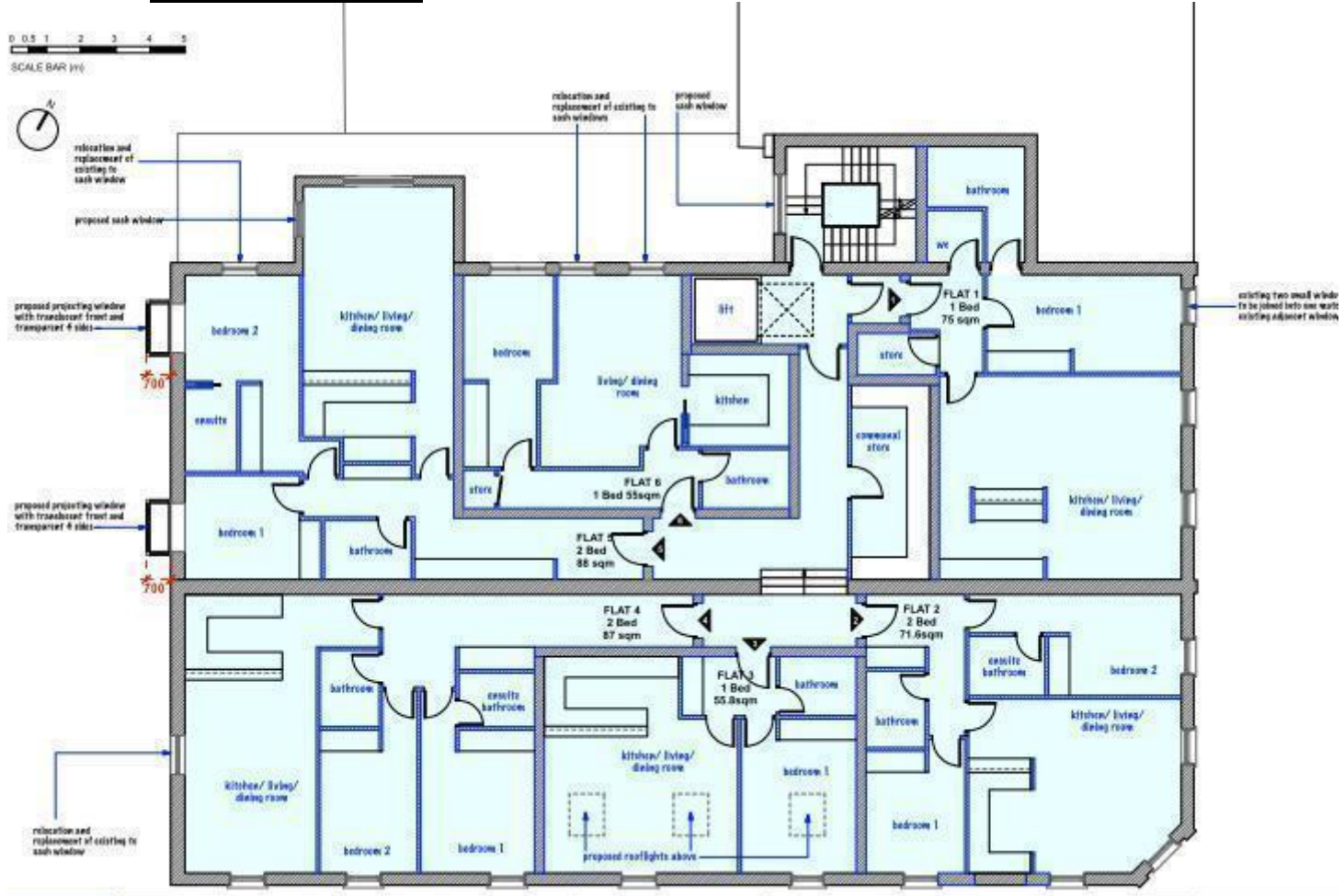
SELECTED SITE PLANS

SELECTED SITE PLANS

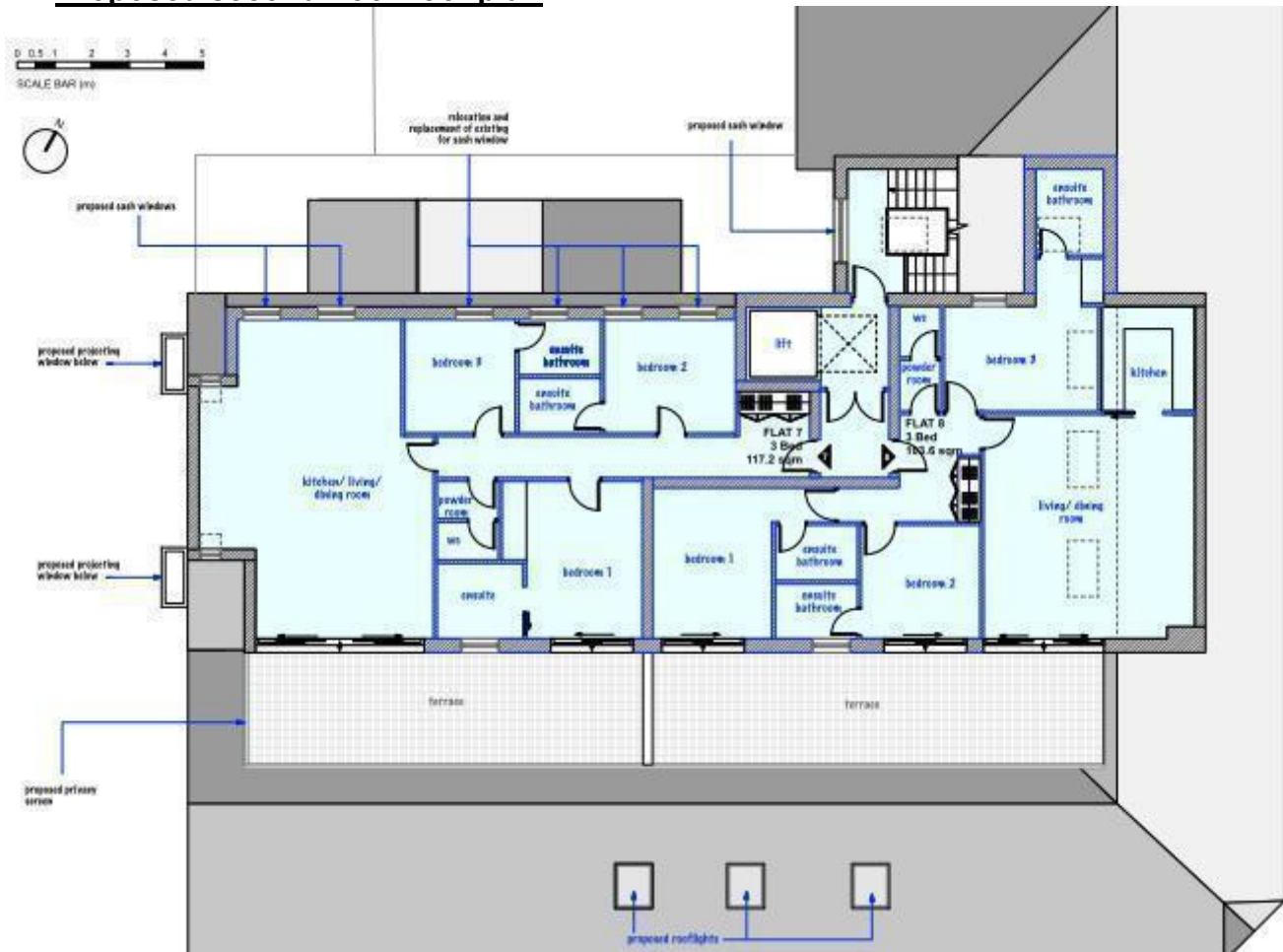
Proposed ground floor plan with community area marked



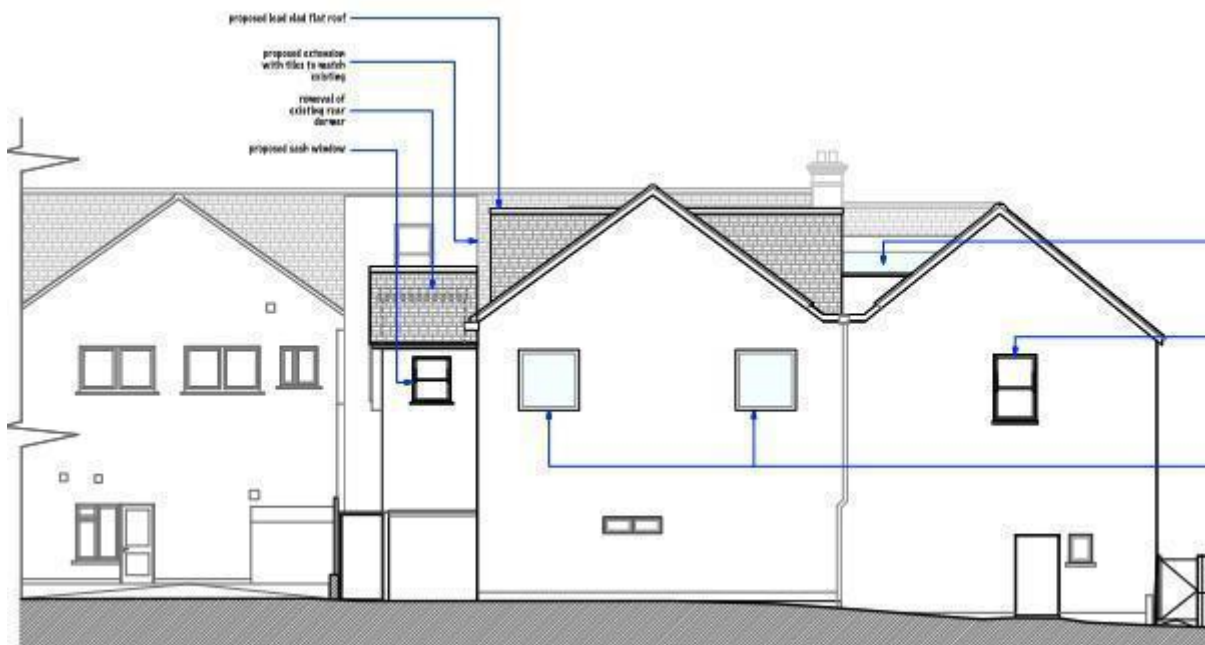
Proposed first floor



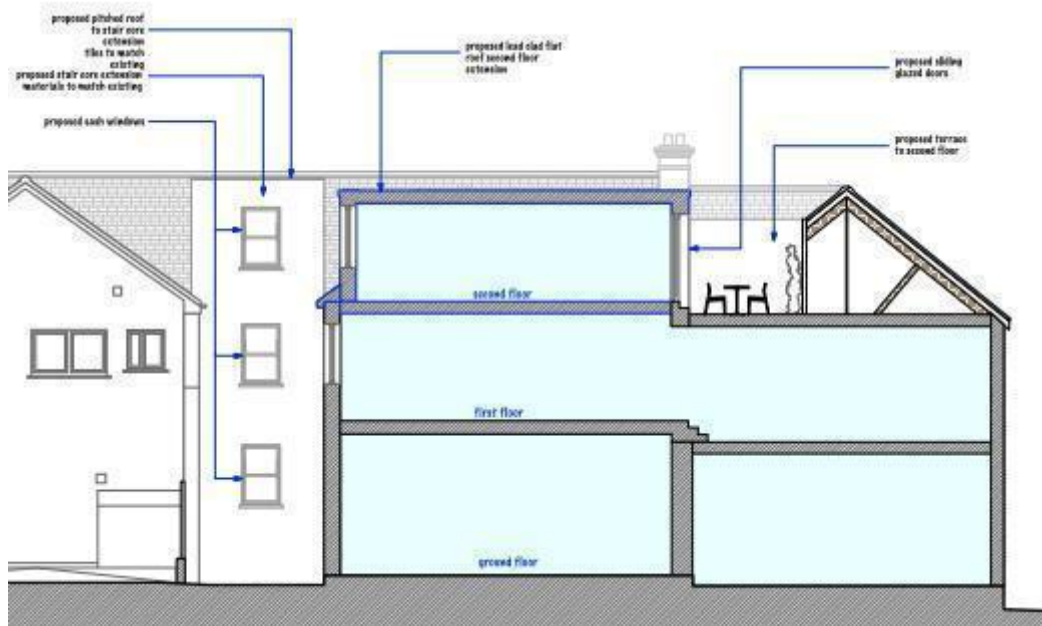
Proposed second floor/roof plan



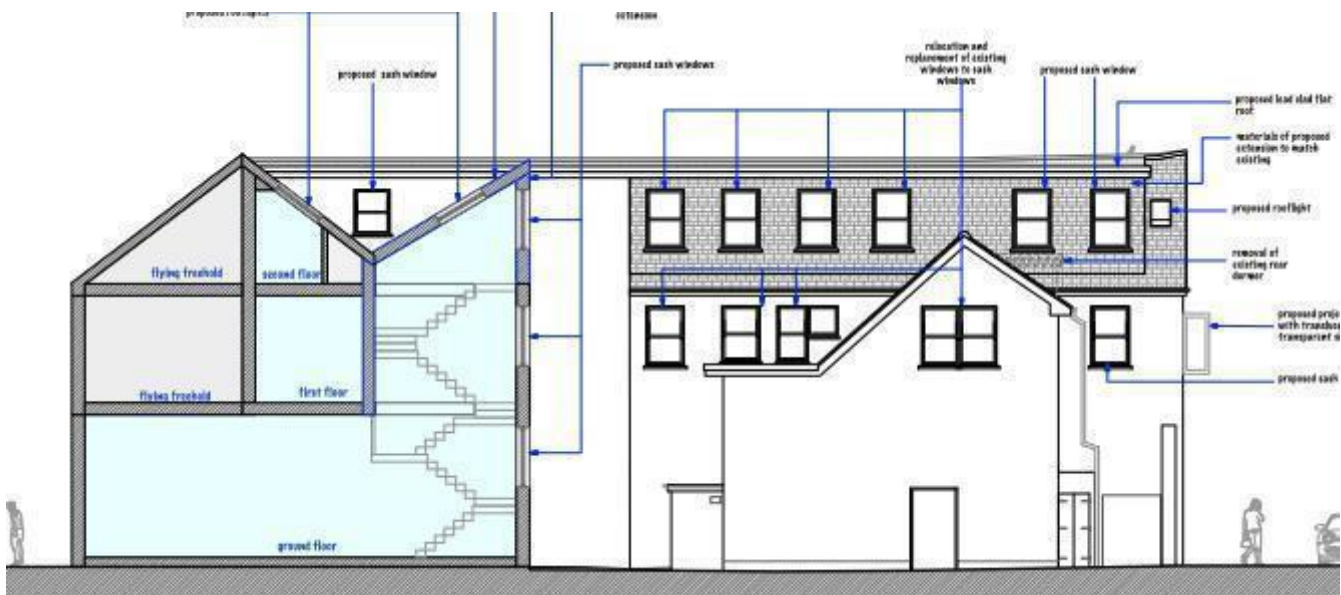
Proposed rear elevation



Proposed section



Proposed internal side elevation



Proposed CGI from Hopefield Avenue



RECOMMENDATIONS

Recommended for refusal

, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

The proposal is for the upper floors of the Public House to be converted into flats (C3 use) and the ground floor to be retained as a Public House (A4 use). There is a small section on the ground floor which will be used for an entrance lobby, lift and residential cycle and refuse storage.

A revision to the proposal also includes an area identified be available for use by the Community on the ground floor. This will be regulated under a proposed S106. The proposed heads of terms are described later in this report.

There are external alterations including new/related roof lights, a second floor extension, creation of new roof structure/dormer, relocation of windows and two projecting windows on the western elevation.

The ground floor is generally staying as existing with a 'community' area marked out on the ground floor.

B) EXISTING

The application site is the Corrib Rest Public House, 76-78 Salusbury Road, London, NW6 6PA. The building as a whole occupies a large plot between Hopefield Avenue and Windermere Avenue however the Public house, and associated upper floors, is on the corner of Salusbury Road and Hopefield Avenue.

The building is not listed and is not located within a conservation area however, the site is located on the boundary of the Queen's Park Conservation Area.

Document Imaged

*DocRepF
Ref: 15/4590 Page 3 of 21*

The building at present accommodates the Corrib Rest public house (Class A4) at basement, ground and first floor levels, with an ancillary residential unit at second floor level, which appears to be used as staff accommodation.

The ground floor has been used for traditional public house uses and the first floor comprises of a 2 x large function rooms which have been used for everything from swing dancing classes to choirs over the past 15 years. Further details of these uses will be below.

Saulsbury Road is made up of mainly ground floor commercial and upper floor residential uses with the side streets (such as Hopefield Avenue) being of traditional Victorian terraces.

Salisbury Road has very good access to amenities with bars, shops, restaurants and parks being located within walking distance of the site.

Queen's Park and Brondesbury Park are the closest stations and there are regular busses travelling up and down Saulsbury Road. The site has a PTAL rating of 4.

C) AMENDMENTS SINCE SUBMISSION

The applicants have made some amendments following Officer feedback. These are:

- Amendments to the Heads of Terms/Section 106 to include more specific timings
- Revision of ground floor plan to mark out a community area in blue
- Minor revisions to first and second floor plans to improve layout
- Revision of West elevation to remove large 'box window'
- Revision of roof extension to set it up from the eaves
- Minor design details including the relocation of a sash window and addition of small rooflights in north and south elevations

D) SUMMARY OF KEY ISSUES

The key considerations are:

- Whether sufficient mitigation is provided for any loss of community or cultural facilities;
- Whether the proposal would harm the viability of the pub to the extent that it may be lost;
- Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers;
- Whether any proposed alterations to the existing building are in keeping with the character and appearance of the existing building and adjacent Conservation Area; and
- Whether the proposals would have an acceptable impact on the amenity of adjoining residents.

RELEVANT SITE HISTORY

History (for the building as a whole)

15/1612- Application to determine whether property is designated an 'Asset of Community Value' as required by Class A, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015- Prior Approval Required

07/2496- Covered seating area with bollards and screens for use of seating area facing Salisbury Road accompanied by (4 x A4 Sheets of proposed awnings/screens, 10 x A4 colour photo sheets and 1 x A4 image of proposed seating area and awnings)- GTD

98/0315- Use of ground floor as public house (A3 Use), use of function rooms on first floor as A3 use, ancillary to ground floor including availability for community use and provision of disabled access, staff accommodation on 2nd floor, extension of hours on Friday and Saturday nights, New Year's Eve and St Patrick's Day until 1 a.m. for first-floor large function room and until midnight for ground-floor large bar, and retention of improved façade- GTD

96/1348- Partial Change of use from community use to residential comprising 24 units and use of rest of

premises as community centre with ancillary and associated bar, with offices and training facilities (as revised by plans received 25/09/96 and additional information submitted 16/10/96)- GTD

95/1725- Change of use from cultural and welfare centre (Class D1) to Offices (Class B1)- GTD 19/12/1985

DC/841974- Change of use to Irish Cultural and Community Centre- GTD- 19/12/1984

CONSULTATIONS

The application was advertised in the paper and 2 x site notices were put up on 19/11/2015. Letters were sent to 66 addresses.

There has been a large amount of interest in the proposals with a large petition (Irish Pensioners Group) objecting to the proposals. In addition, the Queens Park Residents Association have objected to the proposals. The Hopefield Ave QPARA street rep has also submitted comments supporting the proposals. Tulip Siddiq, the MP for Hampstead and Kilburn has been made aware of the proposals as have local Councillors.

Supporting	Response
The retention of the Public House and upper floor flats is what should happen to the premises.	See section 2.17
There should be no replacement of function space on the first floor.	See section 2.17

Neutral	
The side door which leads in to Hopefield Avenue should be permanently closed and relocated to the front of the building.	See point 3.1
That no drinking of alcohol and congregating in Hopefield should be permitted.	See 3.3 and 2.16
That additional sound proofing to the downstairs pub area be installed since noise from that area.	See 1.4, 2.11 and 4.6
That there should be restricted opening hours ie until 11pm during the week and midnight on Fridays and Saturdays.	See 1.4 and 3.2
Increase in windows and terraces affecting privacy.	See 4.5 and 6.3

Objecting	
Loss of a community/cultural facility	See section 2 in general
The obligations in the existing S106 must be upheld	See 2.7, 6.1 and 6.2
The upper floors have been used for many activities over the past 15 years and the change of use would lose these function rooms.	See section 2.3

POLICY CONSIDERATIONS

The following planning policies and guidance are considered to be of particular relevance to the determination of the current application.

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of

land and buildings are required.

NPPF

- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
 - Chapter 70- Delivery of social, recreational and cultural facilities for the community
- Section 12 Conserving and enhancing the historic environment

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

London Plan 2011

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.16 Protection and enhancement of Social Infrastructure
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations

Core Strategy 2010

- CP2 Housing Growth
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

UDP 2004

- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- H18 Quality of Flat Conversions
- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

SPG17: 'Design Guide for New Development'

DETAILED CONSIDERATIONS

1. Principle

1.1. Your officers consider it essential that the community use aspect of the existing ancillary function rooms be re-provided in any proposed re-development, to reflect the historic use of the premises by community groups as evidenced by representations made during this application and the recent listing of the property as an Asset of Community Value (ACV). Your officers have attached significant weight to the merit of

re-providing this community use. At present, the Applicant has not been able to provide your officers with sufficient information that the proposal would adequately retain or re-provide a community use element. As such your officers are of the view that this proposal would result in the loss of a community facility and thus would be contrary to policy CP23 of the Brent Core Strategy and section 70 of the NPPF.

1.2. The proposal does include retention on the ground floor of the A4 Use and the change of use will not affect the whole premises. The principle of a change of use of part of the building from A4 (Public House) to C3 (Residential) could be supported if the resulting pub remains viable (in accordance with the emerging policy DMP21 "protection of public houses" within the Council's Development Management Policies Plan) and if there is a good standard of accommodation for future occupants which do not adversely impact on neighbouring amenity. However, the weight that can be given to the retention of the pub is substantially limited by the lack of clarity surrounding how the pub and the community element would work together to create a viable business. As such your officers feel unable to give any weight to the merit of retaining the pub use and instead conclude that it is likely that the viability of the retained pub may be harmed by the proposal for the community use area and may be lost, contrary to Brent's emerging policy on the protection of public houses, to which some weight can be given at this stage (submitted 2015 with no objections).

1.3. Your officers have given some weight to the merit of providing new homes in a sustainable location, however the weight given is tempered by the fact the proposed residential units are compromised in their layouts, resulting in a standard of accommodation that is acceptable only when balanced against that merit and against the difficulty of converting an existing building in a dense urban environment.

1.4. Your officers have also given limited weight to the merit of removing a nuisance to neighbouring residents on the basis of representations from residents of Hopefield Avenue, some of whom have expressed support for this proposal on the basis of historic noise disturbance and anti-social behaviour arising from the operation of the pub and the first floor function rooms as a party venue. Whilst this is material consideration, the weight officers have given it is limited as the pub, were it to reopen without redevelopment, would be subject to restrictions on opening hours laid out in the original permission LPA ref 98-0315 (Monday to Thursday 10:00 to 23:00; Friday to Saturday 10:00 – 00:00; and Sunday 12:00 – 23:00, extended hours until 01.00 on Sat/Sunday, NYE and St. Patricks Day for function rooms) and the harm from noise and disturbance, which can be properly addressed through Environmental legislation, from a long-established use is not considered to outweigh the harm of the loss of the community use.

1.5. As mentioned above, the Public House is now considered to be an Asset of Community Value. This was confirmed on the 30th July 2015 when a nomination by the Queens Park Residents Association proved to be successful. Whilst an ACV is not the same legislation as the planning process, it does become a material consideration and does hold weight in how an application should be viewed. It is understood that there is a current appeal on the status of the ACV currently however the current situation is that an ACV is in place on Public House, which includes all floors.

2. Community Operation

2.1. As discussed above, this is one of the key considerations in reaching a recommendation and your officers are not satisfied that the application as it stands would satisfactorily re-proved adequate community facilities to reflect historic use here.

2.2. The Applicant has suggested that the function rooms and pub did not have a significant community element; details submitted by the applicant state that there is *"no evidence to suggest that the first floor has been used for regular meetings of community groups over the past 15 years as no records exist detailing who and when have hired the first floor space or for what kind of use"*. Further submissions from the Applicant state that *"from speaking to Local Residents that in the majority of cases, the first floor of the premises has either been empty and not used or has been used for large drinking and dining events, including birthday celebrations, disco's and wedding receptions and associated with the primary use of the building as a drinking establishment (Class A4)."*

2.3. The above statements are in conflict with representations made to the Council from both local groups and local residents throughout the consultation period on the application. In addition to the ACV listing, there is evidence that the function rooms served an important community use with evidence suggesting the below activities occurred on the first floor on a regular basis for several years previously right up until the Corrib Rest closed on in early 2015:

- Swing Dancing Classes

- Zumba Classes
- Salsa Dancing Classes
- Choir rehearsals and concerts
- Irish Dancing Evenings

2.4. Further investigation by Officers, including speaking with the instructors/organisers of the classes/clubs, has confirmed this and the activities outlined above were in regular operation. There has also been collection of data by Officers to find out where these activities have been relocated to since the closing of the Pub. In general, it appears that activities such as Swing Patrol and Salsa classes have relocated out of Brent. The Park Life Singers (Choir) use the nearby school hall and smaller societies such as the MS Society and Irish Pensioners have also relocated out of the Borough.

2.5. In addition, an extract from the report listing the ACV reads;

- “It is clear that the Corrib Rest Pub was intended to be a valued community facility and its actual use in the past lived up to that expectation.”
- “The first floor function room establishes a strong link between the pub and the activities the function room was used for. It demonstrates that the actual and main use of the function room also furthered the social wellbeing and social interests of the local community.”
- “The Corrib Rest Pub has for many years had a community use. In addition to the pub which has been a meeting place for local people, there is an upstairs room that has been used for classes – Irish Dancing, Salsa being the most recent uses. The classes have been attended by local families plus people who work in the area. The upstairs room was also regularly rented out for local wedding, christening and similar family parties”

2.6. The applicants were advised of the value which your officers would attach to the community element in pre-application discussions, on the basis of national, regional and local planning policies that seek to protect community facilities, and that a community element needed to be retained or re-provided.

2.7. The proposal seeks to retain the ground floor use as a Public House however there would not be a direct re-provision of a specific room or area for “Community Use”, however an area highlighted in blue on the ground floor plan (approximately 150sqm, shown in the ‘relevant documentation’ section of the report) would be available for the use of the public. The operation of this space would be controlled by S106 planning obligation and to that end the Applicant has proposed the following Heads of Terms:

- Community space as shown on ‘plan annexed hereto’.
- Available for 15 hours per week.
- Available at comparable rates to other local authority space.
- Booking to be done at least 2 weeks in advance.
- A limit of the number of community users.
- Not to be used at peak times.
- Not to detrimentally affect the running of the ground floor business / interfere with the operator etc.
- Uses to be community groups and voluntary organisations as defined in previous s106.
- A mechanism for the owner to keep records of how well the community space is use.
- A review mechanism to stop access to the community space or reduce it in the event no one wants it / uses it.

2.8. What constitutes a community facility in respect of a pub use is not strictly defined. In some pubs, it is merely the fact that the premises are a pub, the heart of a community and an area where people come together to relax, to engage socially and perhaps to participate in formal group activities be it the local darts or cricket team or an NCT group meeting each week. These more traditional pubs are in and of themselves community facilities to a certain degree.

2.9. In this particular case, however, the community element of the pub is enhanced greatly by the two function rooms on the first floor. Originally these would have provided a valuable community facility for the local Irish community and clearly these rooms were envisaged to be places where people could have birthday parties, weddings and other large functions. Over time the local community has changed and some different groups also used the rooms for different activities until its closure, and so your officers conclude that those ancillary function rooms have a clearly established pattern of community use over many years and merit

protection. In respect of the proposal, it cannot be argued that the provision of the pub without a separate function room would necessarily result in the same type of community use as other more traditional pubs, let alone provide the level of community activity that the premises have accommodated in the past.

2.10. Retaining or re-providing a separate function room, ancillary to a viable pub, is likely to be the correct solution and together the pub and the function room would be an asset to the community. The function room would serve a dual purpose as a community facility and an extension to the pub: it would be a community facility when made available to the community at rates comparable to local authority community facilities and when made available more generally on a commercial basis to community groups.

2.11. As such your officers would not envisage that the time space is available for community groups being limited to 15 hours, rather this would be the minimum time the room would be available at reduced rates. At other times it would be expected that the room would be available for community groups at commercial rates (it may prove necessary to stipulate this amount of time as well) and at other times it would be used in support of the primary use of the business as a pub, e.g. as an overspill from the pub below or a venue to be hired out for parties or dinners (subject to suitable controls on noise, hours of operation and which exits are to be used).

2.12. Whilst it is recognised that use of any room during peak hours will have an effect on viability, this must be balanced with the expectation that some if not all community groups are likely to want to use the room at those perceived peak hours: for instance in the evening for dance classes.

2.13. Officers have assessed the offer and compared the type of space proposed to the existing situation on the first floor. Your officers are of the view that the type of activities that have occurred in the past would not be able to take place on the ground floor of the premises due to various reasons including the below:

- The space is not distinct from the pub by means of physical separation: it is therefore difficult to see how active groups or groups requiring a degree of privacy would be accommodated without causing significant disruption to the remainder of the pub or without being unattractive to those groups so that it would be unused.
- Some groups that have used the space in the past require large, open areas of space which would not be afforded by the area marked in blue, given this encompasses level differences including a stage and another raised platform area
- The Applicant has not indicated how the space would operate when not is use by community groups and without this it is difficult to envisage how the two uses would interact in a successful way
- The amount of floorspace marked blue given over to community uses is a larger area than the pub, when the kitchen, toilets, residential entrance and bar are deducted from the remaining floor area. This raises questions as to how likely it is that this pub would be viable and therefore whether this is a serious, implementable solution or merely a sop to your officers concerns.

The proposed Heads of Terms, combined with the above concerns, would not, in your officers' opinion, give community groups the amount or type of access to a community space that could compare to the original community provision, even when taking into account that a slight reduction on the existing provision is necessary to accommodate the residential element.

2.14. It is of course not essential that the community space serve exactly the same groups as before, but the existing function rooms, given their size, internal height and location (as being distinct from the main pub below) are unusual for a pub and have clearly attracted groups that require such space: for instance dance and exercise classes and choirs. As such your officers are of the view that every effort must be made to ensure a similar space is re-provided (or retained) within any redevelopment, especially since there is a lack of alternative facilities in the local area. Evidence collected through various means suggests that many established groups have moved into facilities within other Boroughs (Irish Pensioners Society, SwingPatrol and Salsa) whilst others are using substandard function space within local primary schools for their activities (ParkLife Singers).

2.15. At this point, it must be made clear that there are many Hopefield Avenue residents who have some concerns about the current/former operation of the premises and have reported the following:

- Late night operation of the premises
- Drinking in the street and in residents front gardens
- Broken bottles and glasses left lying around and with fights and other anti social

behaviour.

- Parties going on until 4am in the first floor function rooms.
- Parking in Hopefield Avenue
- Residents spat at and threatened with physical violence

2.16. The representative from Hopefield Avenue has stated that *not all necessarily wholeheartedly support this planning application but that are vehemently opposed to the reinstatement of a large events room on the first floor and any pub licence beyond 11pm during the week and 12pm on Fridays and Saturdays*. The current approved hours as per variation of conditions application to the original consent- LPA ref- 01/1887 are until 12pm for the ground floor use on Friday, Saturday, NYE and St. Patricks Day and 1am for the first floor function room on the aforementioned days too.

2.17. Generally, residents in Hopefield Avenue would like to see housing on the 1st and 2nd floors however they feel that the small pub area on the ground floor should be allocated to community groups. Your officers are of a similar but not identical mind: acceptable proposal that balances the retention of a viable pub, the provision of residential accommodation and the retention of a meaningful community use may require part of the first floor to be retained as a function room; however this does not necessarily mean that the problems reported by Hopefield Avenue residents would resume. The Applicant is not a pub operator and so it is not possible at this juncture to speculate on the nature of the pub operator who may wish to take this business on beyond the Applicant's suggestion in their Operation Management Plan that it would be "high quality gastropub style establishment" and whilst previous operators may have carried out their business without regard to the amenity of their neighbours, that is not to say that it will be necessarily be repeated in the future.

2.18. Your officers recognise that there is an inherent difficulty in attempting to create the sort of mixed use pub which becomes a community asset in its own right by regulatory control: these businesses grow organically and reflect the communities they serve. However, there is a greater likelihood that this pub would retain its community element if there was a physically distinct room, to which the Owner is obliged to give minimum levels of access to community groups under a Planning Obligation backed up by a willing pub operator who can articulate their vision for how the pub and function rooms would interact so that the whole is greater than the sum of the parts. At present all these conditions for success are lacking and as a consequence your officers cannot recommend that Members approve this application, on the grounds of loss of a community facility.

3. Public House Operation

3.1. The public house would be accessed from the corner of Saulsbury Road and Hopefield Avenue. It is well documented in responses from local residents that this is not the preferred location, however from a planning perspective, the secondary entrance on Salusbury Road is directly below a neighbouring windows and this would be an inappropriate solutions no matter what existing arrangements are.

3.2. The pub, according to the Operational Management Plan suggests it will be a '*high quality, gastropub style establishment*'. Whilst this could never be conditioned or enforced, it gives some idea about the future operation. Hours of use would be conditioned, however the existing hours of operation for the ground floor bar are below:

- Monday to Thursday 10:00 to 23:00;
- Friday to Saturday 10:00 – 00:00; and
- Sunday 12:00 – 23:00.

3.3. These hours are not proposed to change and the existing licence conditions will be adhered to. Security would be placed on doors at closing time.

3.4. The majority of deliveries would take place through the rear entrance access via the private road to the rear of the property. The impact of public deliveries on shared residential / public house space should be kept to a minimum and the respective amenity of both residents and the pub would be preserved.

3.5. The existing kitchen would continue its use under the operation of the ground floor Public House and there will probably a decrease in its use given the reduction in floor area.

3.6. The waste and recycling arrangement for public house would remain as existing. Waste and recycling

would be secured within eurobin containers located on the private road to the rear of the property.

3.7 As discussed above, officers are concerned that the proposed arrangements would not result in a viable public house operation and the pub may be lost as a result of these proposals, therefore officers suggest this is included as a reason for refusal.

4. Quality of Accommodation

4.1. As discussed above, your officers are of the view that the proposed residential accommodation would provide an acceptable standard of accommodation only on the basis of giving weight to the difficulties of converting an existing building in a dense urban location and giving significant weight to the merit of providing residential accommodation in a sustainable location. As such the weight officers feel able to give to the overall provision of residential units is limited.

4.2. The proposal seeks to create 8 flats comprising of 3 x 1 bed, 3 x 2 bed and 2 x 3 bed in the first floor of the flats. The proposals are in a sustainable location with a PTAL rating of 4 and close to local amenities such as schools and shops. There is outdoor amenity space, in the form of private balconies, for the 2 x 3 bed flats (approximately 32sqm) however the other 6 flats will not have access to any private amenity space. All of the proposed flats have a floor space which is larger than the London Plan/National Housing Standards and weight can be given to this to offset the lack of outdoor provision.

Flat 1	1b 2p flat. No external amenity space.	75.0 sqm
Flat 2	2b 3p flat. No external amenity space.	71.6 sqm
Flat 3	1b 2p flat. No external amenity space.	55.8 sqm
Flat 4	2b 4p flat. No external amenity space.	87.0 sqm
Flat 5	2b 3p flat. No external amenity space.	88.0 sqm
Flat 6	1b 2p flat. No external amenity space.	55.0 sqm
Flat 7	3b 5p flat. With terrace for external amenity space.	117.2 sqm (32sqm terrace)
Flat 8	3b 5p flat. With terrace for external amenity space.	103.6 sqm (32sqm terrace)

4.3. Three flats are single aspect, with flat 6 facing North. This is not considered ideal, however this is a conversion scheme and the opportunity for new windows/outlooks are very limited on the Western elevation.

4.4. The proposal includes the addition of new/replacement sash windows on the flank Northern elevation. They will, on balance, provide adequate light and outlook to future occupants.

4.5. During pre-application discussions regarding design, it was advised that windows on the Western elevation would present privacy concerns for No.1 Hopefield Avenue. As a solution to this, there are now projecting windows with a translucent front and transparent sides providing light into bedroom 1 and 2 of Flat 5 which will not result in any overlooking/loss of privacy. These are nevertheless not an ideal solution for the occupants of those rooms and only considered acceptable for the reasons set out at the start of this section. In addition, the 3 bed units on the second floor, whilst being large and whilst receiving plenty of light from the open terraces and flat roof lights, do not have ideal outlooks as they are effectively boxed in by the roof.

4.6. Should Members be minded to grant consent a condition would be sought to ensure post completion sound testing was carried out to ensure the living conditions of future residents would not be materially harmed by noise, especially from the pub below but also from vertical and horizontal noise transmission between other residential units.

5. Impact on character and appearance of the area

5.1. In order to modify the building to allow for conversion to residential use, there are external alterations proposed. Whilst the site location is only adjacent to Queens Park Conservation Area, it is considered that the building, being predominant on Saulsbury Road and clearly visible from streets and properties within the Conservation Area will need to be seen to protect or enhance the existing environment.

5.2. The existing building has a poorly positioned roof extension/dormer and the host building and immediate surroundings would benefit from its removal and replacement. The Public House, which is only one half of the 'horseshoe' of the entire building footprint, is on the whole very attractive and a unique contribution to the townscape. There are significant alterations to other parts of this building, presumed to be in different ownerships, and this will be reflected in any assessment. The exterior of the building is weary and would

benefit from investment.

5.3. There are some additions, such as the rooflights and slight relocation of some windows which do not materially change the appearance of the building. The front (east) and side (south) elevations are effectively untouched - aside from a fascia uplift - and this is welcomed from both architectural viewpoint and conservation one.

5.4. The proposals include the creation of a larger dormer – set up and in from the eaves - and an extension to the existing stair core with a pitched roof. These changes and alterations to the roofline are on the northern elevation which faces away from Saulsbury Road and Hopefield Avenue.

5.5. The acceptability of these alterations rests on their ability to be subservient to the building that they relate to and being of a design and appearance which is acceptable in terms of the local context. It is considered that, on balance, given their location away from a public highway, not directly facing onto the adjacent Conservation Area and the fact there are other extensions to the building, the alterations have an acceptable impact on the surroundings.

5.6. The revival of the facades is welcomed and the general materials - which are to broadly match the existing- are also acceptable.

5.7. It can be considered that the alterations described above maintain the important and unique aspects of the building, whilst the retention, replacement and addition of sash windows further maintains the design integrity of the original building. Only limited weight is given to the retention of all existing rooflines as significant alterations have been undertaken on other parts of the building as a whole.

6. Impact on Neighbouring Amenity

6.1. Your officers are satisfied that there is an existing S106 on the site which was in part intended to control the operation of the function rooms so that the premise would become overcrowded with attendant problems for local residents. There is a perception among some residents that this was not enforced however it is not clear from the Council records whether complaints of breaches were received and if so, whether these were acted upon. The S106 required the owner to send an annual report on the use of the function rooms and there is no evidence that this was done, however that would not in itself help address much of the day-to-day anti-social behaviour that afflicted local residents in the past, rather there is other legislation available to tackle these issues: pubs which operate outside of their licensed hours can be investigated and have those licenses removed and the licensees prosecuted. Similarly, pubs which cause noise disturbance can be served with Notices under the Control of Pollution Act 1974. Criminal activity should be reported to the Police.

6.2. Notwithstanding the problems with the past running of the building, any new permission would be accompanied by S106 or conditions to a similar effect of the existing S106 with regards to hours of operation and the Community use. Whilst there have been many suggestions that if this proposal was to be approved, the existing S106 would be required to continue, this is not the case. The existing S106 would cease to have effect when any new permission is implemented and a new set of either planning or licencing controls would need to be set and adhered to.

6.3. With regards protecting the immediate surrounding uses, the windows have been omitted on the flank elevations facing Number 1 Hopefield Avenue. These have been replaced by box lights which have obscure glazing on the Western elevation.

6.4. The proposal does look out onto the rear of St Eugene's Court (adjacent building) to the north and the increase in habitable windows in the northern elevation, whilst not giving rise to immediate concerns with regards to overlooking does limit the weight that Officers can give to the acceptability of these units, especially the ones which are single aspect.

6.5. It is acknowledged that this is a relatively dense urban environment and there will not be complete immunity to short or restrictive outlooks and this arrangement is broadly acceptable as no habitable rooms or formal private amenity space adjoining the subject property are detrimentally affected.

7. Transportation

7.1. The site has good access to public transport services and is located within a CPZ, reduced residential

allowance applies and the scheme becomes eligible to be 'Car Free'.

7.2. The existing public house is permitted one space for the first 400m² floor area plus one space per 100m² thereafter, giving a total allowance of 8.85 off-street parking spaces. The existing provision of three spaces alongside the rear service road is within the maximum permitted allowance. The public house also requires servicing by 10m rigid lorries, which can also make use of the rear service road.

7.3. This proposal will remove the first floor function room area from the public house and in so doing, reduce the car parking allowance for the pub to 2.25 spaces which is strongly encouraged due to the surrounding streets being heavily parked.

7.4. The applicant proposes to retain two of the off-street parking spaces for use by the larger 3-bedroom flats and to designate the other for use as a Car Club bay. However, the surrounding area is already very well served by Car Club bays, with at least five vehicles stationed on-street within a 500m radius of the site. If an operator is interested in a further space on this site, then all well and good, but it is not considered necessary to secure this by condition, given that the size of the development would not by itself support a viable Car club vehicle.

7.5. Standard PS16 requires the provision of a secure bicycle parking space per flat. An internal storage room with space to comfortably accommodate at least 10 bicycles has been shown alongside the ground floor entrance lobby, which provides a suitable level and standard of provision. Similarly, a room is also shown for refuse storage alongside the entrance lobby, with sufficient capacity to accommodate the required number of bins within 10m of the front of the building, allowing easy collection from Salusbury Road.

7.6. Should this application be minded for approval, it is advised to secure a Car Free scheme via condition to restrict the flats applying for on street permits on the surrounding streets which are known to be heavily parked.

8. Summary

8.1 Your officers have taken into consideration and given appropriate weight to the following aspects of the proposal;

- The provision of 8 x residential units in a sustainable location – along with that standard of accommodation.
- The re-provision of a 'community space' on the ground floor of the Public House and the proposed way it will function
- The external alterations of the building and the subsequent appearance of the area
- The impacts of the proposal on the local community as well as any immediate neighbours.

8.2. Officers, through analysis of the extensive consultation process, their own investigations and details of the applicants submission have given substantial weight to the need of re-providing a meaningful community facility which, some activities aside, reflects the former uses.

8.3. The weight given to the provision of residential units is limited as, although acceptable in principle, the standard of accommodation future occupiers of some units could expect is restricted due to the reasons outlined in section 4.

8.4. Whilst the renovation and investment in the building is welcomed, it is felt that this can be achieved in tandem with a more appropriate proposal and subsequent permission on the premises.

8.5. In summary, the proposals have not convinced your officers that there is a substantial, viable and meaningful re-provision of a well used, functional and established community space. As alluded to above, this holds significant weight given its historical and cultural importance to the immediate and wider community and refusal of this proposal is accordingly recommended.

CIL DETAILS

This application is liable to pay **£15,300.49*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 1346 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Drinking establishments (2004)	493	493	0	£5.00	£35.15	£0.00	£0.00
Dwelling houses	853	800	53	£200.00	£35.15	£13,013.39	£2,287.10

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	275	
Total chargeable amount	£13,013.39	£2,287.10

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – REFUSAL

=====

Application No: 15/4590

To: Mr Hodgson
Iceni Projects Ltd
Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR

I refer to your application dated 22/10/2015 proposing the following:

Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 8 self-contained flats (3 x 1bed, 3 x 2bed and 2 x 3bed) together with associated alterations to include removal of rear dormer window, new 2nd floor rear extension, stairwell extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening, cycle parking spaces and bin stores

and accompanied by plans or documents listed here:

5332 22 C

5332 23 C

5332 24 C

5332 25 C

5332 26 C

5332 27 C

5332 28 C

5332 29 C

5332 30 C

5332 21 C

Design and Access Statement

at 76-78 Salusbury Road, London, NW6 6PA

The Council of the London Borough of Brent, the Local Planning Authority, hereby REFUSE permission for the reasons set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Note

Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

DnStdR

Document Imaged

DocRepF
Ref: 15/4590 Page 7 of 21

PROACTIVE WORKING STATEMENT**REASONS**

- 1 The applicant has failed to demonstrate that the proposed works would adequately re-provide a sufficient quality and quantum of community space with appropriate minimum access arrangements to compensate for the loss of the community use of the Asset of Community Value first floor function rooms and in the absence of this and a legal agreement or other means to secure the community access arrangements the proposals would result in the loss of a community facility, contrary to policy CP23 of Brent's Core Strategy 2010, policy 3.16 of the London Plan and paragraph 70 of the National Planning Policy Framework 2012.
- 2 The applicant has failed to demonstrate how the proposed community access to the area marked on the refused ground floor plan would operate and interact with the remaining Asset of Community Value public house and as a result it is likely that the proposal would harm the viability of the public house to the extent that it may become lost, contrary to policy CP23 of Brent's Core Strategy 2010, emerging policy DMP21 of Brent's Submitted Development Management Policies Document 2015, policy 3.16 of the London Plan and paragraph 70 of the National Planning Policy Framework 2012.

INFORMATIVES

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

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

6 April, 2016
06
15/5130

SITE INFORMATION

RECEIVED: 25 November, 2015

WARD: Harlesden

PLANNING AREA: Brent Connects Harlesden

LOCATION: 1 Craven Park, London

PROPOSAL: Erection of a six storey building comprising 21 self-contained flats (9 x 1bed, 9 x 2bed and 3 x 3bed) with associated cycle storage, bin stores, communal and private amenity space and landscaping

APPLICANT: Brent Housing Limited

CONTACT: Collins & Coward

PLAN NO'S: 1389-01
1389-04A
1389-04B
1389-05
1389-06
1389-07
1389-08
1389-09
1389-10
1389-11
1389-12
1389-13
1389-14
1389-15

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

When viewing this on an Electronic Device

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_125274

When viewing this as an Hard Copy .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "15/5130" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: 1 Craven Park, London

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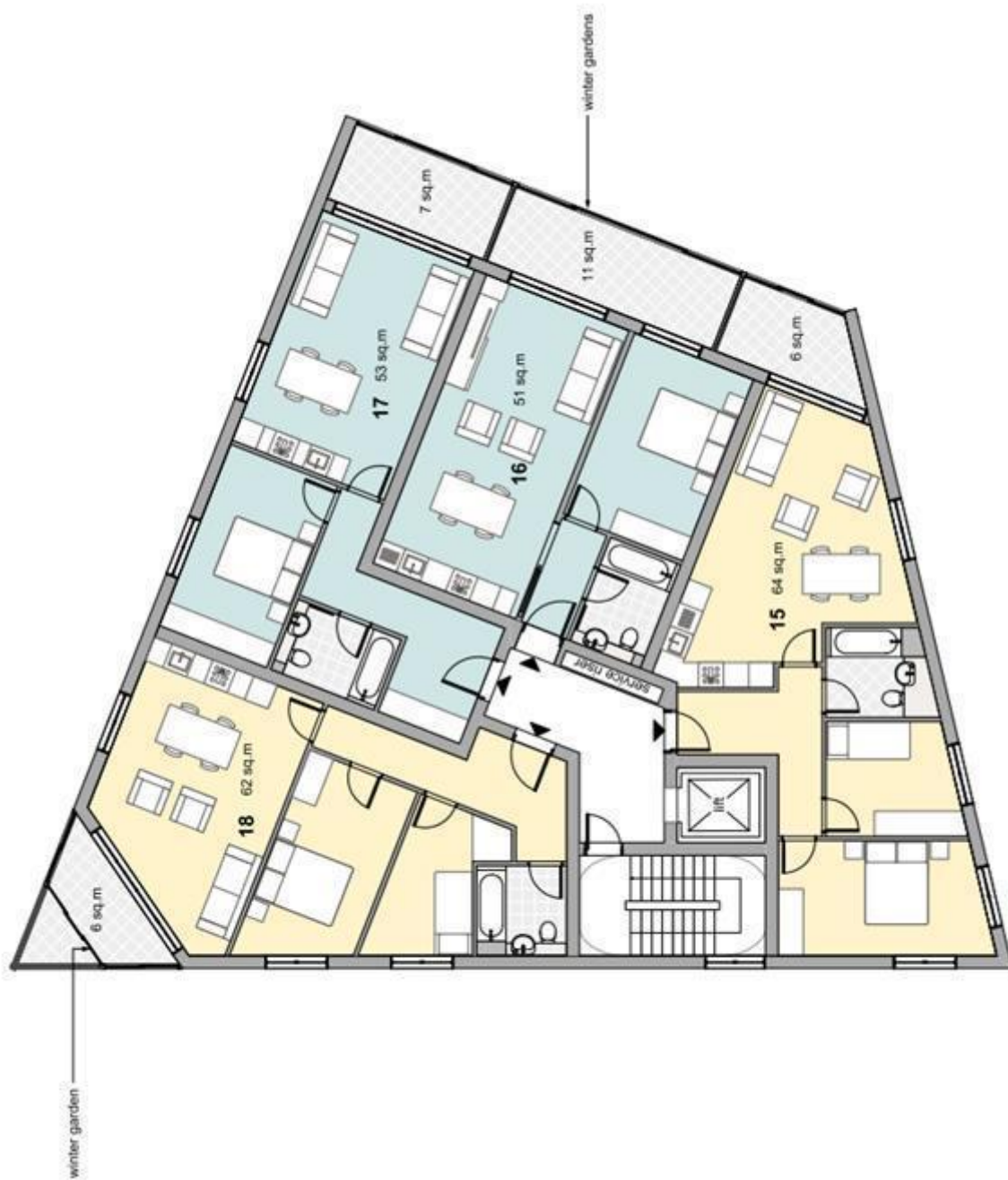


This map is indicative only.

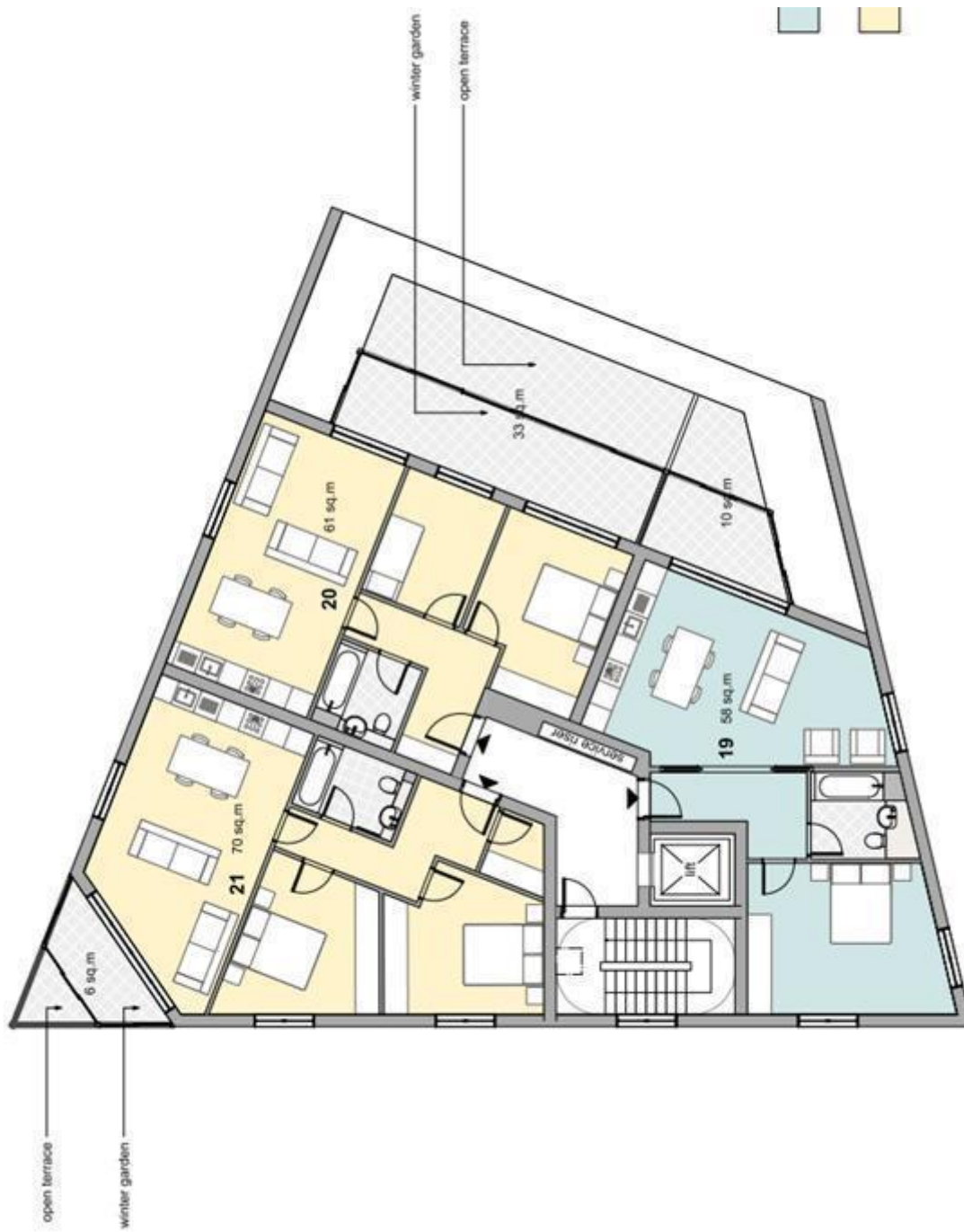
Site Layout Plan



First-Fourth Floor Plan



Fifth Floor



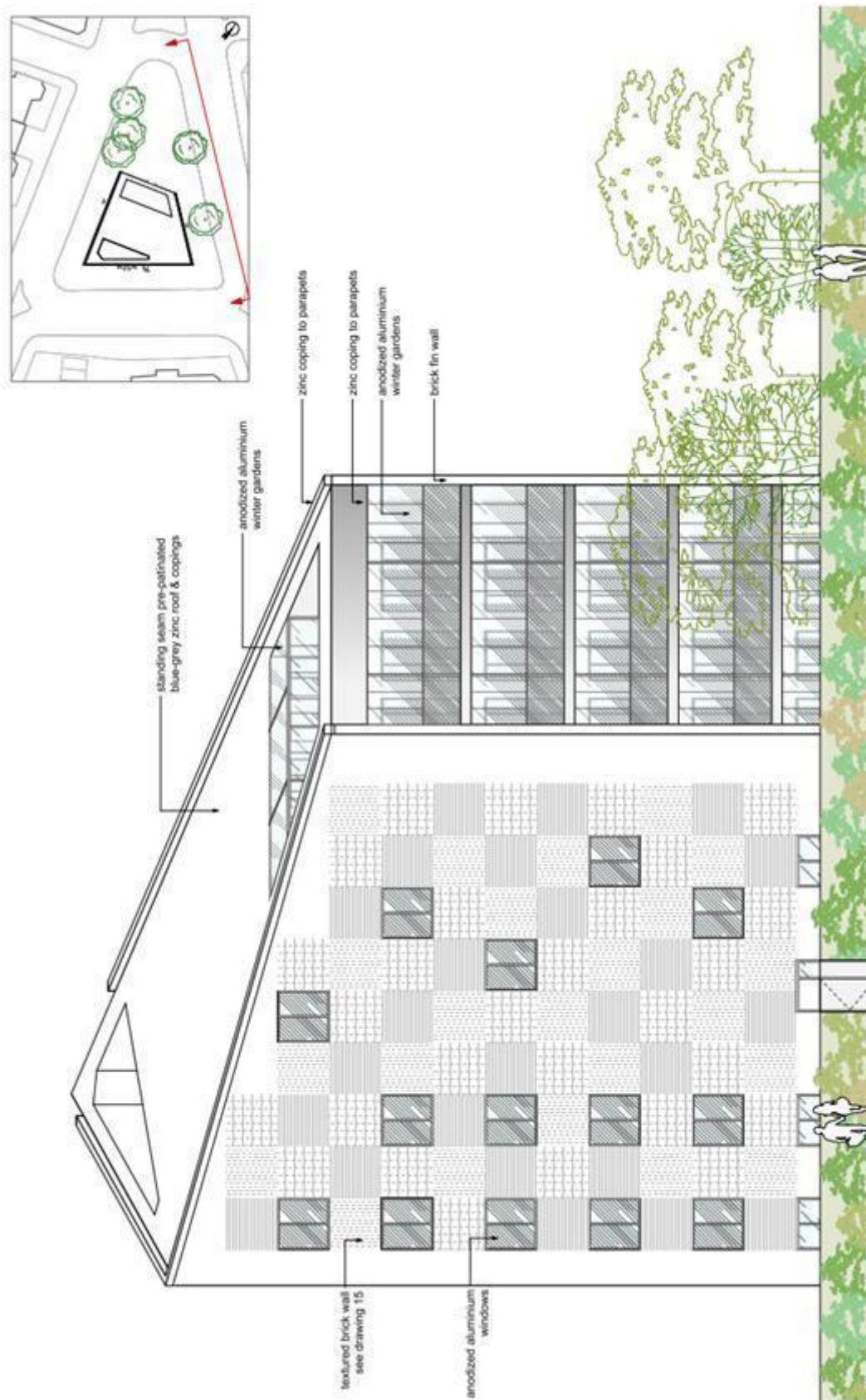
Northeast Elevation



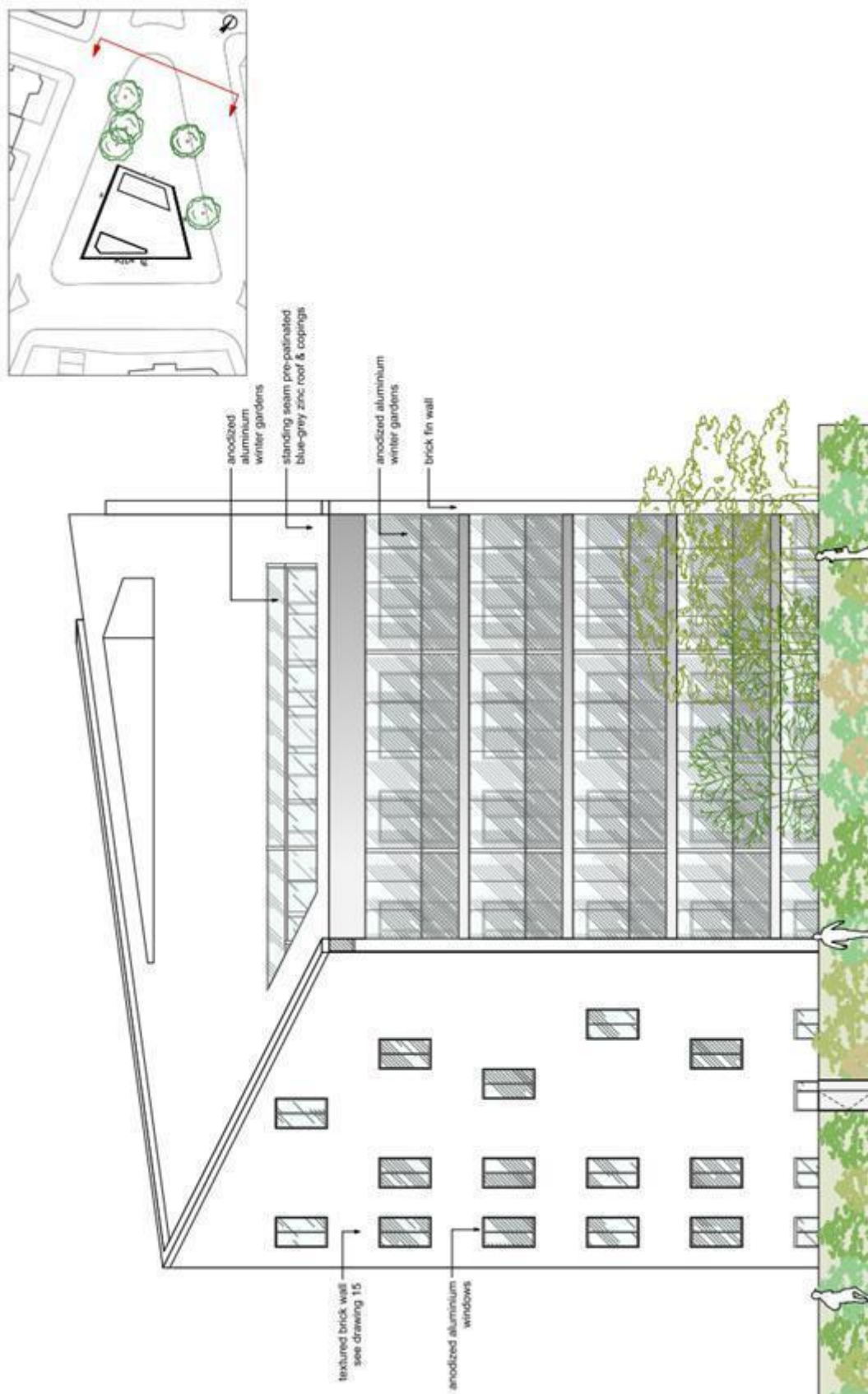
Northwest Elevation



Southwest Elevation



Southeast Elevation



RECOMMENDATIONS

Refusal, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

See description

B) EXISTING

The application relates to an “island” site which forms a triangular roundabout at the junctions of Craven Park and Craven Park Road at the northern end of the Harlesden District Centre. The site is vacant but was most recently occupied by a two-storey building occupied as Class B1 offices.

The site is not within any conservation area or area of distinctive residential character, and is not within any designated centre, but the Harlesden District Centre is 150m to the south east.

Craven Park is a London Distributor Road. The roundabout is a congested road gyratory.

D) SUMMARY OF KEY ISSUES

The key issues for consideration are:

- Air quality and its impact on the health of future residents and whether any mitigation measures would result in an acceptable development
- Whether an acceptable quality of amenity could be provided whilst preventing exposure to air pollution

The height, scale and massing of the development

E) MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
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Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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RELEVANT SITE HISTORY

07/3446 Recommended for refusal and withdrawn

Demolition of existing building and erection of part 3,4,5,6 and 7 storey building including a basement level comprising of 2 studio, 6 x 1 bed, 11 x 2 bed and 13 x 3 bedroom self contained flats including a retail unit and refuse storage on ground floor, cycle storage with 14 carparks and 1 disabled carpark to basement level, associated landscaping and vehicle crossovers fronting Craven Park Road

08/2754 Recommended for refusal and withdrawn

Demolition of existing Juvenile Counselling Centre and erection of 4-storey building comprising 14 self-contained flats, 1 disabled parking bay, refuse and cycle storage, amenity areas and associated landscaping

There have also been recent pre-applications, the latter being for a development very similar to that currently proposed.

CONSULTATIONS

319 Neighbours were consulted and a press notice and site notice were both published. As a result of this four objections have been received:

- This is a huge development in the middle of a one way traffic triangle.
- There is a severe problem of parking and it will result in additional congestion.
- It would be difficult for pedestrians and cyclists to cross the roads to the site.

- The six storey building in a confined space would be out of character with the area.
- It will block natural light to neighbours due to its size
- The development is too high and should consist of three storeys
- Balconies should not be allowed on tall buildings close to the pavement where objects can be dropped.
- Parking is needed as where the Council refuses to issue permits this does not stop residents from parking, they park outside of the CPZ hours and/or park nearby where it is not controlled.
- Suggest a manual barrier to Langdon Court Estate to prevent it becoming an extension of the building site or for future parking.

Ward Councillors were consulted, no comments have been received to date.

Internal consultees

Highways - Amendments required to doors opening onto the public footpath. No in principle objection subject to conditions.

Sustainability - Minor shortfall in carbon reduction.

Environmental Health - Objection to residential development in area of poor air quality.

POLICY CONSIDERATIONS

Brent's UDP 2004

Core Strategy 2011

London Plan

London Housing SPG 2016

DETAILED CONSIDERATIONS

Principle

Whilst there is no existing use to protect and the wider area is generally residential the site suffers from significant constraints, the environmental constraints are considered to be of such severity that a residential development cannot be supported.

Air Quality & Noise

There are serious concerns over the levels of NO₂ at the site. The site consists of an island surrounded by three roads. Air quality monitoring undertaken by Brent Council at a similar site near to the proposed development shows that the NO₂ annual mean will be exceeded.

Due to the likelihood of pollutant exceedance, during preliminary discussions with the air quality consultants, it was previously recommended that actual on site monitoring be undertaken for at least 3 months and that the resultant data then be used to validate any model runs. However, no such data has been presented in the submitted report.

The report presents the modelled NO₂ levels for the site which remains significantly high, and exceeds the annual mean objective for this pollutant up to the third floor level (4 levels including the ground floor) of the proposed development. As mitigation, mechanical ventilation in all units throughout the development is proposed, however, all units have access to balconies/winter gardens and if natural ventilation is allowed by a resident, it would defeat the objective of having the mechanical ventilation and expose all residents of that unit to poor air quality.

The assessment of noise is similar in that the specification of glazing could result in acceptable noise levels but this would not be maintained if windows of balcony doors were opened.

Whilst the planning statement discusses the fact that much of Brent is within an AQMA and a technical solution is required 'unless there is a complete embargo on development across this area', the situation is that this site is particularly constrained in that it does not present opportunity for a technical solution which would result in a good quality of amenity for residents. Sites usually have at least one elevation which is away from a main road and traffic and would therefore provide an elevation for balconies or for windows to open. The application site on a traffic island is subject to busy roads and traffic on all sides. Opening windows on

any elevation would expose residents, in their homes, to unacceptable levels of air pollution.

Paragraph 7.51 of the London Plan 2015 (FALP) states that increased exposure to existing poor air quality should be minimised by avoiding introduction of potentially new sensitive receptors, such as housing, in locations where they will be affected by existing sources of air pollution, including road traffic. The NPPF also confirms that unacceptable risks from pollution on health should be prevented.

There is no existing residential use on this site, therefore the proposal would be introducing new residential units to unacceptable impacts. Officers are of the opinion that a residential development on this site, given the air quality results, could not provide an acceptable quality of accommodation and this is an in-principle issue.

Quality of Residential Accommodation

The set in of the footprint of the development from the boundary of approximately 2.5m, plus a suitable boundary treatment and soft landscaping, could be sufficient to provide an acceptable level of privacy around the ground floor.

Units achieve the national standards for internal space and overall there is a sufficient quantitative provision of amenity space to meet the requirements set out in SPG17. Child's play space would be needed within the garden for the scale of development proposed. However given the significant detrimental air quality conditions the proposed units and communal amenity space would deliver an unacceptable air quality for future residents.

Acceptable air quality could only be maintained if units were fully sealed and officers consider that this would not constitute an acceptable quality of accommodation.

In terms of the unit mix just three family size units are provided which is 14% of the 21 units (9 x 1bed, 9 x 2bed and 3 x 3bed). CP2 seeks for 25% of all units to be family size however given the location on a traffic island it could be argued that this is not a particularly good site for children.

Neighbouring Amenity

Officers are of the opinion that the submission requires a more detailed assessment of the level of impact on daylight/sunlight there would be to neighbouring occupiers. Whilst the separation distance between street facing elevations is established by the existing streets there remains concern that the height proposed would reduce daylight and sunlight by an unacceptable amount which would be harmful to residential amenity, particularly 96-110 Craven Park.

The scale of the building and its combined bulk and height may furthermore have an overbearing impact on outlook.

Design

The character of Craven Park leading to the site is of two-storey houses with front gardens while High Street consists of three-storey terrace properties. Whilst officers are not of the opinion that the height needs to be limited to the neighbouring character the forum remains of the opinion that 6 storeys exceeds what the site is capable of accommodating. The scale and bulk of the proposed building would result in an overbearing impact on the street scene.

The sloped roof adds some interest to the large building design however it also has the result of effectively adding the height of a seventh storey at the north-western end. The high density of the scheme reinforces the view that the scale of the development proposed is too great. A maximum height of 5 storeys was previously suggested subject to the quality of design.

The elevations are proposed to be detailed with patterned brickwork which is considered to be an acceptable approach in principle however may be more successful for a smaller building and the height and massing of the building remains unacceptable. The proposed windows appear relatively small within the expansive elevations and balconies are restricted to one corner and one elevation so do not provide relief throughout the elevations.

Highways

The site has a good PTAL of 4 which means that, were permission to be granted, it could be secured as permit free either by condition or legal agreement which would be necessary as the surrounding roads are Heavily Parked. No on site parking is proposed and there would be no provision for visitors who, if visiting by car, would need to utilise pay & display parking in the vicinity.

The layby proposed on the northwest side of the site would provide space for 2 disabled parking bays if they were required by residents of the development. While the proposed location of the bay is acceptable though it would need a width of 2.7m to provide sufficient space for safe use by disabled drivers on this busy gyratory system. The pavement would also need to be at least 2.5m wide. It would be required that the footway be constructed by the applicant and adopted by the highways authority.

It was recommended at the pre-application stage by police officers that the cycle store should be accessed from within the building.

Four Eurobins would be required for the number and size of flats proposed meaning the store would need to be enlarged and is currently undersized. Doors to all stores need to open inwards, not over the public highway, which would require a further enlargement.

Drainage has not been addressed within the application. Details would be required to demonstrate that the development accords with the drainage hierarchy of Policy 5.13 of the London Plan and should seek to utilise SUDS.

Trees & Landscaping

The elevation drawings include soft landscaping externally around the perimeter of the site which appears to screen the boundary treatment. The ground floor plan also shows the introduction of trees around the site providing landscape value and privacy. There are also existing trees, both in and outside of the site, which would require full protection details were a development to go ahead on the site.

The London Plan seeks the inclusion of a green wall or roof to enhance the priority of urban greening, however tree planting can also contribute towards this.

Affordable Housing

The submission states that the applicant is willing to enter into a s106 agreement to provide 50% affordable housing with the tenure mix to be agreed with the LPA. As the application is recommended for refusal a legal agreement hasn't been drawn up meaning that the affordable housing has not been secured and a reason for refusal is recommended on this basis. The applicant has expressed that prior to submitting an appeal they will seek to agree a s106 agreement with the council on these relevant issues.

Conclusion

The proposal would introduce a sensitive use to a site affected by road traffic air pollution. The measures which would be needed to satisfactorily mitigate this in terms of its impact on future residents i.e. completely sealed units, are not currently proposed but also would not provide an acceptable quality of accommodation.

SUSTAINABILITY ASSESSMENT

While the content of the submission is good the development would only achieve a 35% reduction in C)2 as it is set against a baseline of Part L 2010 and the requirement is for 40% beyond this target. If it were agreed that carbon reduction has been maximised as far as viably possible a financial contribution would be required to off-set the remainder.

The shortfall is 1tCO₂ and would be the equivalent of £1,908 financial contribution.

An air source heat pump is proposed and supported. To seek to achieve the additional 5% carbon reduction a more detailed breakdown between the Lean and Clean measures would be recommended and tighter specifications for the thermal fabric or other Lean considerations.

Additionally I would consider specifying higher performing PV panels or exploring distributing them over a greater surface area to bridge that 5% gap.

CIL DETAILS

This application is liable to pay **£524,258.53*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 1816 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	1816	0	1816	£200.00	£35.15	£445,892.86	£78,365.67

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	275	
Total chargeable amount	£445,892.86	£78,365.67

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – REFUSAL

=====

Application No: 15/5130

To: Mr Ian Coward
Collins & Coward
The Courtyard
9A East Street
Coggeshall
CO6 1SH

I refer to your application dated 25/11/2015 proposing the following:

Erection of a six storey building comprising 21 self-contained flats (9 x 1bed, 9 x 2bed and 3 x 3bed) with associated cycle storage, bin stores, communal and private amenity space and landscaping and accompanied by plans or documents listed here:

1389-01
1389-04A
1389-04B
1389-05
1389-06
1389-07
1389-08
1389-09
1389-10
1389-11
1389-12
1389-13
1389-14
1389-15

at 1 Craven Park, London

The Council of the London Borough of Brent, the Local Planning Authority, hereby REFUSE permission for the reasons set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Note

Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

DnStdR

PROACTIVE WORKING STATEMENT**REASONS**

- 1 The proposal seeks to introduce a sensitive use to a site affected by existing road traffic air pollution without proposing an acceptable means of preventing exposure of future residents to poor air quality, as such the development would result in unacceptable risks from pollution on health and fails to comply with the London Plan policy 7.14 and paragraph 7.51 and the NPPF paragraph 120.
- 2 The proposal would result in a bulky and overbearing development, excessively high for its context and not justified or mitigated by its elevational design and also potentially harmful to the amenity of neighbouring residents contrary to London Plan policy 7.6 and UDP policies BE2 and BE9 of Brent's UDP 2004.
- 3 In the absence of a legal agreement to address the issue the proposal fails to achieve a 40% carbon reduction beyond 2010 Building Regulations and therefore fails to comply with London Plan policy 5.2.
- 4 In the absence of a legal agreement or condition to control the matter the proposal would result in increased demand for parking in a location where this cannot be accommodated on street, including a London Distributor Road and Heavily Parked streets contrary to TRN3 and TRN23 of Brent's UDP 2004.
- 5 By reason of the insufficient depth of the lay-by, outwards opening doors and insufficient capacity of refuse storage the proposal would lead to an unacceptable obstruction of the footway contrary to TRN3 and TRN10 of Brent's UDP 2004.
- 6 In the absence of a legal agreement to secure the provision of affordable housing, the proportion, the unit size and the tenure mix, the proposal fails to comply with policies CP2 and CP21 of Brent's Core Strategy 2011.

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

6 April, 2016
07
15/3398

SITE INFORMATION

RECEIVED: 6 August, 2015

WARD: Dudden Hill

PLANNING AREA: Brent Connects Willesden

LOCATION: 342 Neasden Lane, London, NW10 0AD

PROPOSAL: Temporary permission for the part change of use of existing retail shop (Use class A1) to provide a radio controlled mini-cab office (Use class Sui Generis)

APPLICANT: Mr DOST

CONTACT: XEVA LTD

PLAN NO'S: 101 Existing/Proposed Plan
103 Proposed Elevations
105 Proposed Site Plan

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

When viewing this on an Electronic Device

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_123450

When viewing this as an Hard Copy .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "15/3398" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

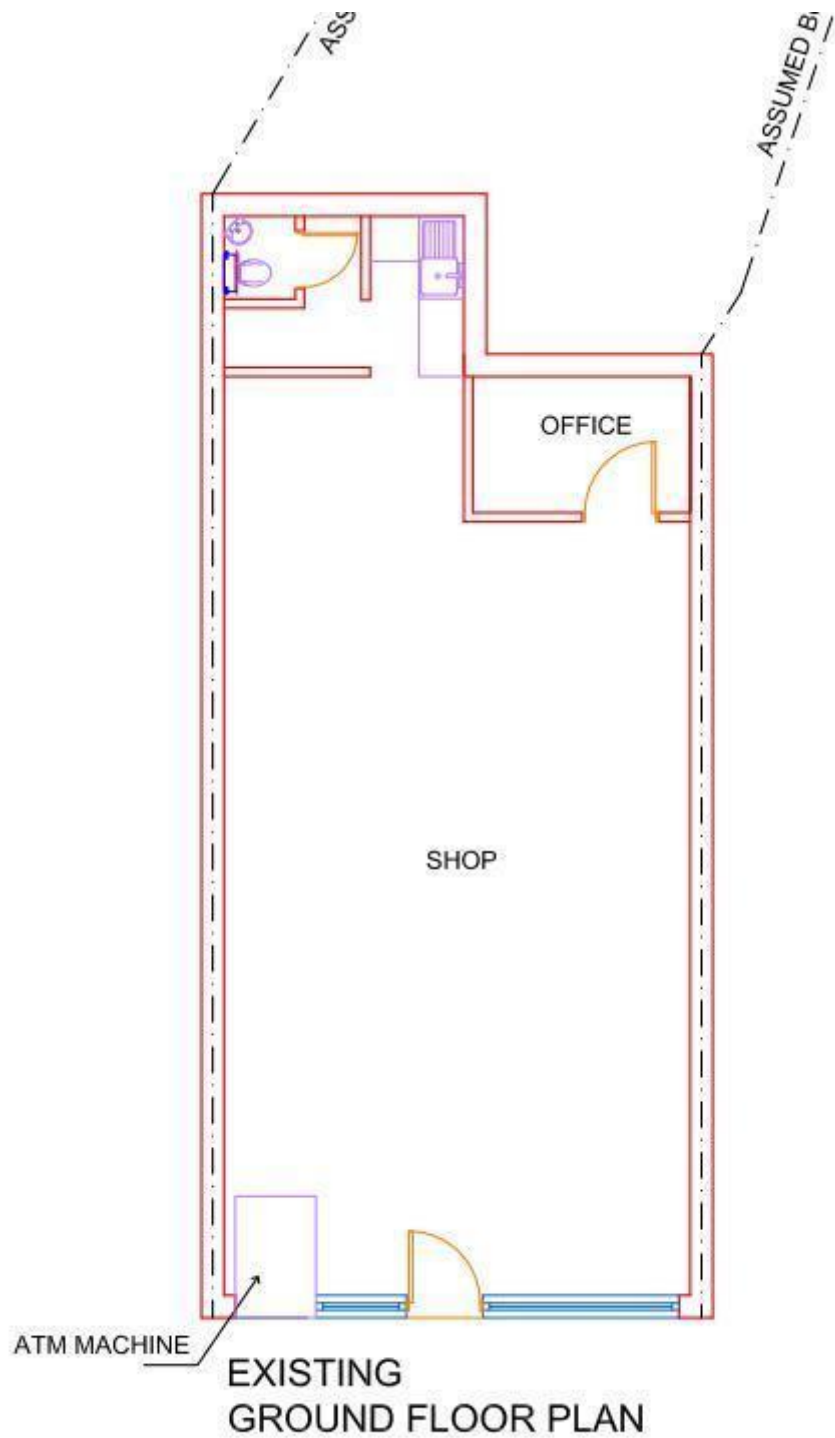
Site address: 342 Neasden Lane, London, NW10 0AD

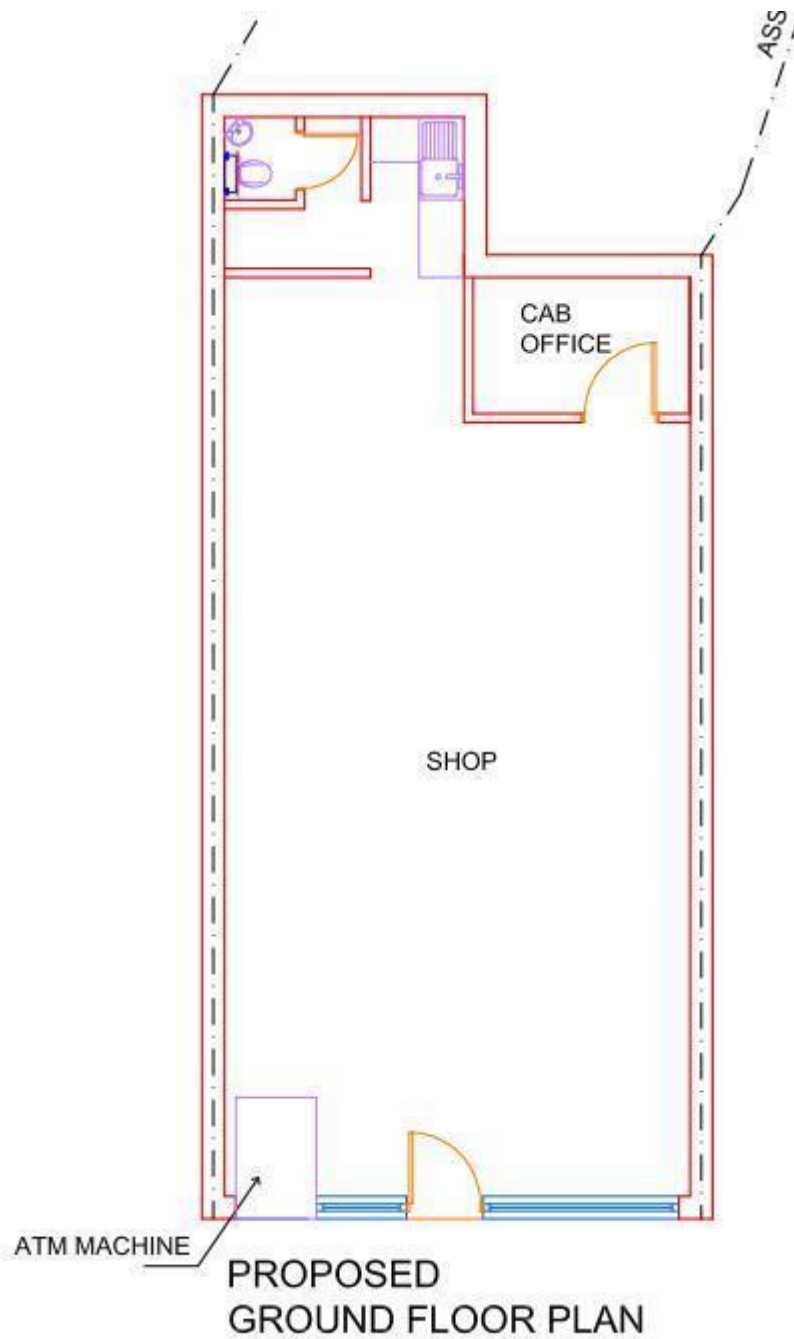
© Crown copyright and database rights 2011 Ordnance Survey 100025260

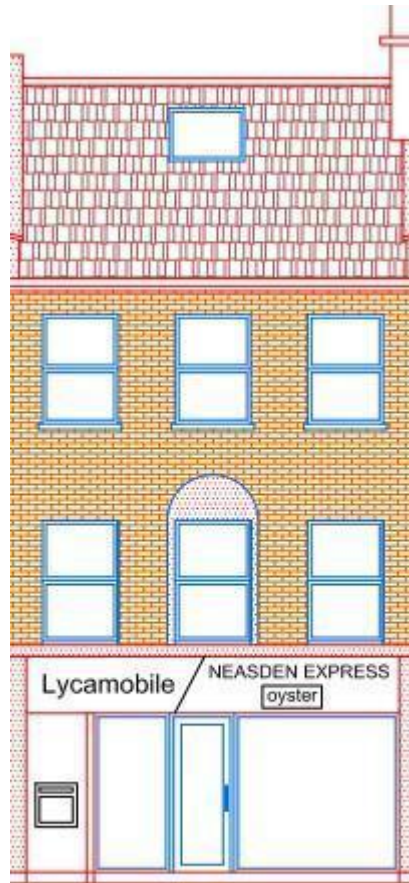
This map is indicative only.

SELECTED SITE PLANS

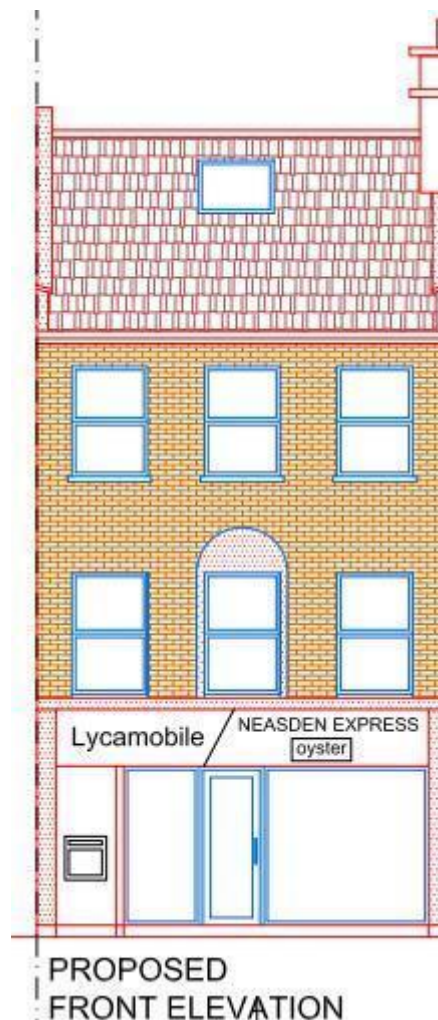
SELECTED SITE PLANS







EXISTING
FRONT ELEVATION



RECOMMENDATIONS

Approval, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

As described

B) EXISTING

A ground floor retail unit within a 3 storey shopping parade located on the northern side of Neasden Lane, within the designated Primary Shopping Frontage. The 1st and 2nd floors are residential whilst the ground floor is currently within A1 use. The site is not within a conservation area nor is it a listed building.

The existing A1 shop has a glass frontage of approx. 5.4m which includes a cash point machine. Policies relating to primary shopping frontages aim to retain as much A1 frontage as possible, particularly within a designated primary shopping parade in order to maintain active frontages. Non-retail uses, in particular A3 and A5 uses can have closed (dead) frontages considered detrimental to the vitality of a shopping parade. Policy for primary shopping frontages requires the change of use of premises to not increase the proportion of non-retail uses to over 35% unless a vacancy rate of over 10% is present. The proportion of A1 to non-A1 is assessed by the length of shop frontage in metres from which the percentage of A1 to non-A1 is calculated.

Neighbouring properties: To the east of the application site is no. 340 Neasden Lane, the ground floor of which is a hot food takeaway, Neasden Fish Bar with the use class A5, with residential at 1st and 2nd floor. To the west of the application site is no. 344 Neasden Lane; the ground floor of which is a nail bar, Nail World with use class Sui Generis. The 1st and 2nd floors are residential.

C) AMENDMENTS SINCE SUBMISSION

There have been no amendments since the original submission.

D) SUMMARY OF KEY ISSUES

The key issues for this application are

1. *Whether the proposal will have an impact to primary shopping frontage*
2. *Whether the proposal will have an impact to transportation and highways*
3. *Whether the proposal will have an impact to neighbouring amenity*
4. *Whether the proposal will have an impact to character & appearance*

RELEVANT SITE HISTORY

15/1887- Refused 15/06/2015

Certificate of lawfulness for proposed change of use of existing A1 use to mixed-use (A1 & Sui Generis) to incorporate a radio controlled mini-cab/taxi office

14/5006- Refused 12/03/2015

Ancillary use of rear of shop as a radio controlled mini cab office (Use class Sui Generis) to existing ground floor A1 shop unit

14/3363 - *Refused*, 16/12/2014

Use of mini cab office (Sui Generis) ancillary to existing A1 shop

08/0326 - *Granted*, 27/03/2008

Retention of internally illuminated ATM signage to shop;

08/0325 - *Granted*, 27/03/2008

Retention of ATM to front of shop

99/2383 - *Dismissed*, 09/08/2000,

Change of use from retail (Use Class A1) to restaurant (Use Class A3);

CONSULTATIONS

The application was consulted on in 15/12/2015. There was a limited response from this initial consultation so in February 2016, a reconsultation was done, including e-mails sent to the objectors to the previous applications.

There have been 7 x objections which have been summarised in the below table. The relevant points are responded to within the main section of the report.

The area is congested with limited parking which has become a major issue and roads being blocked by waiting cab drivers	See point 1.3 and 3.4
Increase in flow of the vehicles to the site.	See point 3.4
The Council should promote alternative and unique business to the community	See point 2.1 and 2.2
There are no details on the operation time of the mini-cab office	See point 4.1
The mini cab office will not be run as a radio controlled one	See point 3.1

POLICY CONSIDERATIONS

Policy Considerations

National Planning Policy Framework (2012)

All development has a presumption in favour of sustainable development. Brent's planning policies are found to be compliant with the NPPF

London Plan (2011)

For the purposes of Section 38 (2) of the Planning and Compulsory Purchase Act 2004, the statutory spatial development strategy for the area is the London Plan, which was formally adopted in 2011.

The following policies within the London Plan are relevant to this decision:

Policy 7.1 Building London's neighbourhoods and communities - Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.

Local Policy

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

Brent Core Strategy – July 2010

CP16 – Town Centres & Sequential Approach to Development

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE17 – Building Services Equipment

SH6 -Non-retail uses appropriate to primary shopping frontages

SH7 - Change of use from retail to non-retail

TRN16 – The London Road Network

TRN22 – Parking Standards Non-Residential Developments

TRN34 – Servicing in New Development

PS9 – Parking standard

PS15 – Disabled parking standard

PS16 – Cycle parking standard

PS20 – Servicing standard

DETAILED CONSIDERATIONS

1. Background & Context:

1.1. The applicant has had two x planning applications and one x Certificate of Lawfulness refused in the past two years.

1.2. The latest application 14/5006 was refused for the following reasons.

1. *.In the absence of sufficient off street parking spaces to support the parking, waiting and collection points for taxi cabs in relation to the proposed new business, the proposal is likely to result in an increased obstruction and congestion of vehicular traffic along a busy section of Neasden Lane that is in close proximity to the North Circular Road slip road. As such, the proposal is considered detrimental to pedestrian and highway safety and contrary to policies TRN3, TRN12 and SH14 of the London Borough of Brent Unitary Development Plan 2004*
2. *The applicant has failed to demonstrate that the proposed change of use, and the operation of the waiting room including the entrance, exit and collection of customers, would not have an unacceptable impact on residential amenity, as a result of potential increases in noise and disturbance created by customers and vehicles. As such, the proposal is considered contrary to policies BE5 and SH14 of the adopted Brent Unitary Development Plan 2004.*

1.3. The current application has sought to overcome the reasons for refusal and points made in the officers report for 14/5006. Pre-application advice was also provided to the applicant including a copy of the Transportation comments and officer report were also provided to the applicant to help with a resubmission.

1.4. There are several differences between previously refused cases and this application

There is no waiting room proposed with the scheme;
There is no 'hatch' to the frontage;
The applicant has agreed the following conditions;

(a) The business shall be restricted to radio-controlled communication between the dispatcher and the drivers of mini-cab vehicles

(b) No waiting area for drivers or customers shall be provided at the premises

(c) Drivers shall not wait at the premises for fares or wait to pick up fares from Neasden Lane or to the rear of Neasden Lane

(d) Drivers shall only attend the premises on the rare occasion for administration purposes; no facilities are to be provided

(e) The applicants shall maintain a list of registration plates for all mini cabs registered to the mini cab office. This shall be available at the office for inspection at any time by Government officers.

(f) There shall be no advertisements relating to the mini-cab use mounted on the exterior of the building or within the premises.

1.4. The applicant has expressed his desire for a permanent permission however Transportation have requested that, in accordance with policy SH14, the permission is temporary for an initial period of 1 year.

1.5. The **key considerations** to this proposal are:

1. *Whether the proposal will have an impact to primary shopping frontage*
2. *Whether the proposal will have an impact to transportation and highways*
3. *Whether the proposal will have an impact to neighbouring amenity*
4. *Whether the proposal will have an impact to character & appearance*

2. Impact to primary shopping frontage

2.1. In relation to the primary shopping frontage, the Sui Generis use for a mini-cab office will be to the rear of the shop and as such will not affect the length of frontage to the designated primary shopping frontage. As such, an ancillary use can be considered acceptable with a condition that it be solely to the rear of the shop.

2.2. In terms of size, the mini cab office would take up approximately 3.7sqm of the total of 52sqm of the retail shop. There is currently a segregated area to the rear and there would be no external alterations and the internal alterations would only be very minor.

2.3. As such, your officers are satisfied that there would be no impact on the primary shopping frontage as a result of this proposal.

3. Impact on Transportation

3.1. The site is located within a controlled parking zone between 8am - 6.30pm and there are waiting restrictions along the road along with double yellow lines. The surrounding streets on Cairnfield Avenue and Chartley Avenue are heavily parked.

3.2. The Council's planning requirements for mini cab offices are set out in Policy SH14 on page 181 of the adopted Unitary Development Plan 2004. This states that *"minicab offices and similar operations will be permitted only if traffic safety problems would not be caused If sufficient off-street parking cannot be provided then consent may be granted for radio-controlled operation only, on a temporary basis so this can be monitored."*

3.3. The previous proposal of having a waiting room to the rear of the shop suggests customers will be picked up from the rear of the shop. There is no access to this rear and it has already been considered unsafe to do so in previous applications.

3.4. Sufficient off street parking spaces have not been provided for the proposed mini cab office and the proposal again fails to comply with SH14 of the UDP-2004. To mitigate against this, and the only way to make this acceptable to the Local Planning Authority, is for a radio controlled operations only for a period of 1 year so the LPA can monitor the conditions.

3.5. In addition, the applicant has agreed to a condition which states that no waiting area for drivers or customers shall be provided at the premises and drivers shall not wait at the premises for fares or wait to pick up fares from Neasden Lane or to the rear of Neasden Lane.

3.6. It is considered that the proposal, as a radio controlled operations with appropriate conditions, will not give rise to unacceptable traffic impacts associated with the change of use.

4. Impact to neighbouring amenity

4.1. The proposed hours of use is 24 hours. As no customers will be diverted to the shop via signage and no pick ups will be allowed on Neasden Lane or surrounding streets, Officers consider that the likely impact on neighbouring amenity will be low.

5. Impact to character & appearance

5.1. The external appearance of the property will not change and therefore the proposal cannot be considered to impact on the character or appearance of the area.

6. Summary

6.1. Your Officers have considered that the proposal to convert a small section of the rear of A1 premises into a radio controlled mini-cab office to be acceptable as it broadly complies with policies BE2, BE9, TRN3 and SH14 of the adopted UDP 2004.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====

Application No: 15/3398

To: XEVA LTD
STUDIO 21
497 SUNLEIGH ROAD
WEMBLEY
HA0 4LY

I refer to your application dated 06/08/2015 proposing the following:
Temporary permission for the part change of use of existing retail shop (Use class A1) to provide a radio controlled mini-cab office (Use class Sui Generis)
and accompanied by plans or documents listed here:

101 Existing/Proposed Plan
103 Proposed Elevations
105 Proposed Site Plan
at 342 Neasden Lane, London, NW10 0AD

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

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposal is considered to have overcome the previous reasons for refusal and the proposal forms an acceptable usage of the premises, satisfies highways subject to conditions and has an acceptable impact on the amenities of neighbours. The proposal would therefore comply with saved policies BE2, TRN3, TRN23, SH6, SH14 and SH16 of the Brent Unitary Development Plan (2004) and Core Strategy (2010) policy CP17.

- 1 The operation of the Mini-Cab Office shall be for a limited period of 1 year only expiring 12 months from the date of this decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use on the local highway network and traffic safety, due to the lack of off-street parking.

- 2 The mini-cab business shall operate under the following restrictions:

- (a) The business shall be restricted to radio-controlled communication between the dispatcher and the drivers of mini-cab vehicles
- (b) No waiting area for drivers or customers shall be provided at the premises
- (c) Drivers shall not wait at the premises for fares or wait to pick up fares from Neasden Lane or to the rear of Neasden Lane, Birse Crescent, Cairnfield Avenue or Chartley Avenue
- (d) Drivers shall only attend the premises on the rare occasion for administration purposes; no communal facilities are to be provided
- (e) The applicants shall maintain a list of registration plates for all mini cabs registered to the mini cab office. This shall be available at the office for inspection at any time by Government officers.
- (f) There shall be no advertisements relating to the mini-cab use mounted on the exterior of the building or within the premises.

Reason: To accord with the terms of the application and ensure that vehicles and customers do not visit or congregate at the premises, in the interests of the free flow of traffic on the neighbouring highway and the amenities of occupiers of neighbouring properties, consistent with policy SH14 of the Brent Unitary Development Plan 2004.

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726

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