



## Planning Committee

**Wednesday 9 August 2017 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

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

#### Substitute Members

Councillors:

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

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Governance Officer  
020 8937 1354 ; [joe.kwateng@brent.gov.uk](mailto: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](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

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

## **Notes for Members - Declarations of Interest:**

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

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

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

### **\*Disclosable Pecuniary Interests:**

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

### **\*\*Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interests in any matter to be considered at this meeting.		
2. Minutes of the previous meetings - 12 July 2017 To confirm as a correct record, the attached set of minutes from the meeting of the Planning Committee on 12 July 2017.		1 - 4
<b>PART 1- APPLICATIONS FOR DECISION</b>		
3. 111 Chamberlayne Road, London NW10 3NS	Queens Park	9 - 20
4. 62 Dunster Drive, London NW9 9EL	Barnhill	21 - 32
5. 245-249 and 253 Ealing Road, Wembley HA0 1EX	Alperton	33 - 70
6. 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.		

**Date of the next meeting:            Wednesday 13 September 2017**



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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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 12 July 2017 at 7.00 pm

PRESENT: Councillor Agha (Chair), Councillor Moher (Vice-Chair) and Councillors Ahmed (substitute for Councillor Daly), S Choudhary, Colacicco, Hylton, Maurice and W Mitchell Murray

Apologies for absence were received from Councillor Daly

#### 1. **Declarations of personal and prejudicial interests**

None.

#### 2. **Minutes of the previous meeting - 28 June 2017**

RESOLVED:-

that the minutes of the previous meeting held on 28 June 2017 be approved as an accurate record of the meeting subject to Councillor Ahmed being shown as in attendance.

#### 3. **14 Grendon Gardens, Wembley HA9 9NE**

PROPOSAL: Proposed part single and part two storey rear extension, loft conversion including addition of dormer window to rear slope and insertion of roof lights, remodelling of front entrance and landscaping scheme of front garden to existing dwelling house.

RECOMMENDATION: That the Committee resolve to REFUSE planning permission for the following reason:

The proposed rear extension, by reason of its size and siting and in particular, the inclusion of a first floor rear element of extension, having regard to the hilly character and dramatic changes in level throughout the Conservation Area, represents the provision of a feature that is detrimental to the character and appearance of the property and the surrounding conservation area, resulting in harm to the wider views of the property and in particular, views of the first floor rear elevation and the roof slopes within the Barn Hill Conservation Area. This is contrary to policy DMP1 and DMP7 of the Brent Local Plan Development Management Policies 2016 and the Barn Hill Conservation Area Design Guide.

That the Head of Planning is delegated authority to make changes to the wording of the Committee's decision (such as to vary the reason for refusal) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could

reasonably have led to a different decision having been reached by the Committee.

The application was called in to Committee by Councillors Carr, Warren, Shaw, Kansagra, Colwill and Davidson for reasons set out in the report under members call-in procedure.

David Glover (Deputy Area Planning Manager) introduced the report and answered members' questions. He informed members that the Design Guide for the Barnhill Conservation Area set out a presumption against the provision of first floor rear extensions and that there was no justification for a departure from the adopted guidance. Accordingly, the first floor rear element of the extension was considered to be harmful to the character and appearance of the Conservation Area. He added that the soft landscaping of the proposal fell below the minimum level set out within the Design Guide and the level set out within condition 4 of the 2016 consent relating to this property. He then referenced the supplementary report that set out additional representation from Barnhill Residents Association which supported the views of Council officers that the proposal was contrary to the design guide and harmful to the character and appearance of the house and Conservation Area.

Brian Retkin (applicant) stated that the proposal was in accordance with Barnhill Conservation Design Guide as it would not detract from the character of the Conservation Area or would not adversely impact on adjoining neighbours. He continued that relevant precedents for a 2-storey rear extension existed in the area, referring to developments at 7 Brampton Grove and 21 Eversley Avenue. In response to members' questions, the applicant stated that the rear extension was required to allow stairs to be erected into the loft area and would match the design without any changes to the roof form and thus making the proposal less intrusive.

David Glover submitted that whilst the single storey element of the extension and the porch were considered to be acceptable, the proposed first floor rear element of the extension was considered harmful to the character and appearance of the Conservation Area and contrary to policies DMP1, DMP7 and the Conservation Area Design Guide. He added that the frontage layout was also contrary to the design guide, however, a revised layout and associated details could be secured through condition if consent was to be granted.

DECISION: Planning permission refused as recommended.  
(Voting on the recommendation for approval was as follows: For 7; Against 1)

#### **4. 58 Neasden Lane, London NW10 2UJ**

PROPOSAL: Demolition of existing three storey light industrial building and erection of a 5 storey hotel comprising 196 rooms with ancillary cafe/bar, restaurant, gymnasium/meeting room, roof top plant compound and associated car, coach and cycle parking spaces, landscaping and boundary treatment.

#### RECOMMENDATION:

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions [and informatives] to secure the matters set out in the report

That the Head of Planning is delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Angus Saunders (Area Planning Manager) introduced the report and answered members' questions. He informed members that planning permission had already been granted for the redevelopment of the site to provide a new hotel, albeit for a 60 bedroom hotel. As such, the principle of the proposed development was acceptable. In addition to this the proposal was not considered to be harmful to the character and appearance of the locality nor the amenities of the neighbouring properties. Officers also considered that the proposal would have significant planning merits hence, the recommendation for approval.

Will Thompson (applicant's agent) stated that following an extensive pre-application discussion with officers, the proposal would result in a development that was compliant with the London Plan and Core Strategy policies. He added that the proposed 5-storey building would be set back from the street resulting in a more open frontage and allowing for coach parking, servicing and landscaping within the site boundaries. Members heard that as the site was adjoined on either side by industrial buildings, the proposal was unlikely to have any significant impact on neighbours. In addition to access to good transport network, a Delivery and Service Management Plan had been submitted.

Angus Saunders advised members that in recommending the application for approval, great weight had been placed on the extant planning permission, the more efficient use of the land by the 196 bedroom hotel and a positive contribution to the townscape. He drew members' attention to conditions 9 and 13 which sought to address concerns on land contamination and air quality neutral, in addition to informatives on asbestos.

In endorsing officers' recommendation for approval, members added additional informatives requiring the applicant to ensure that any damage to public realm is repaired and that maximum standards were applied to fire and safety issues.

DECISION: Planning permission granted as recommended with additional informatives requiring the applicant to ensure that any damage to public realm is repaired and that maximum standards were applied to fire and safety issues. (Voting on the application was unanimous).

#### **5. 17/1080/PRE Access Storage, First Way, Wembley, HA9 0JD**

Roy Collado from Collado Collins (architect) and Jim Pool from DP9 (planning agent) gave a presentation on the development and responded to questions. Members then questioned the presenters and raised issues for further consideration prior to submission of a planning application.

The main issues raised at the meeting were:

- Affordable housing/living should comply with policies.

- Circulation of space especially on match or event days.
- No pepper potting
- Adherence to maximum standards of fire and safety issues.
- Adequate facilities for infrastructure including facilities for children.
- Scale and height of the proposal.

## **6. 17/1097/PRE Cannon Trading Estate, First Way, Wembley, HA9 0JD**

Peter Leiper and Owain Nedin gave a presentation on the development and responded to questions. Members then questioned the presenters and raised issues for further consideration prior to submission of a planning application.

The main issues raised at the meeting were:

- An assessment of the likely demand for student accommodation associated with this educational institution should therefore be submitted with the application to support the proposals to demonstrate that the amount of student accommodation that is proposed is set at a level that will not go beyond the projected demand for this education institution.
- To demonstrate that the proposed standard of accommodation is sufficient to meets the requirements of the particular group (in this case, students).
- The amount of student housing cap and the ability to deliver 1,500 homes across the wider SSA.
- The application submission should depict the emerging context on the plans to confirm that the building would be appropriately suited to its surroundings
- An assessment of the impact on the protected views from these location will need to be produced and provided to the Council for consideration and should accompany the application.
- Planting should also be incorporated along the southern side of the building, along the access road. Given the high proportion of the site proposed to be covered by buildings, green roofs should also be incorporated.
- An Accessibility Management Plan to meet the requirement for 10% of the student rooms to be wheelchair accessible.
- A separation of at least 10m is established from the built form of the development
- The need for improved pedestrian crossing facilities on First Way should be considered.
- Wider community engagement.

## **7. Any Other Urgent Business**

None.

The meeting closed at 9.10 pm

COUNCILLOR A AGHA  
Chair



## PART 1 APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Brent comprises the following documents:
  - London Plan March 2016
  - Brent Core Strategy 2010
  - Brent Site Specific Allocations 2011
  - West London Waste Plan 2015
  - Wembley Action Area Plan 2015
  - Sudbury Town Neighbourhood Plan 2015
  - Saved 2004 Unitary Development Plan Policies 2014
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that

adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

#### **Provision of infrastructure**

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail. Similarly, Brent Council's CIL is also payable. These would be paid on the commencement of the development.
13. Brent Council's CIL provides an income stream to the Council to fund (either in whole or in part) the provision, improvement, replacement, operation or maintenance of the following types of new and existing infrastructure:
  - public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
14. except unless the need for specific infrastructure contributions is identified in the Section 106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. Full details are in the Regulation 123 List is available from the Council's website: [www.brent.gov.uk](http://www.brent.gov.uk).

16. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

**Further information**

17. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

**Public speaking**

18. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

**Recommendation**

19. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

9 August, 2017  
03  
17/0998

## SITE INFORMATION

RECEIVED	6 March, 2017
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	111 Chamberlayne Road, London, NW10 3NS
PROPOSAL	Temporary use of land to the rear of 111 Chamberlayne Road for outside seating area
APPLICANT	Yummie Coffee Co Ltd
CONTACT	Walsingham Planning
PLAN NO'S	PLease see condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133022">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133022</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/0998" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Temporary time limit
2. Carry out the development in accordance with the approved plans
3. Hours of use
4. Restricting access to the road to the rear

### Informatives

1. Reference to elements that would be a statutory nuisance and that are covered through separate legislation.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

## SITE MAP



### Planning Committee Map

Site address: 111 Chamberlayne Road, London, NW10 3NS

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This map is indicative only.

## PROPOSAL IN DETAIL

This application seeks planning permission to convert the courtyard to the rear of the existing coffee shop for customer usage.

## EXISTING

The existing property is a coffee shop. It was originally a shop (A1) but in December 2016, utilised its permitted development rights to change the property into a café (A3) for a period of 2 years. The site is not listed nor within a conservation area. It is however within a town centre as well as a secondary shopping frontage.

## SUMMARY OF KEY ISSUES

The key issues the impact of using this outdoor area in association with the coffee shop upon:

**1: the character and appearance of the site and surrounding area:** The site is within a town centre as well as a secondary shopping frontage and the courtyard to the rear is associated with a commercial unit. It would therefore not be unreasonable to see this form of activity in this area.

**2: the amenity of adjacent occupiers:** The openings that are immediately adjacent the site but these are to a clinic and not a residential property. There is also a wall that provides some screening. There are other residential windows and openings in close proximity but with a condition to restrict the hours of use, any impact would not be considered harmful. Any noise and disturbance caused in this area would also be subject to Environmental Health legislation.

## RELEVANT SITE HISTORY

There are no relevant planning applications but the property did enact their permitted development rights in December 2016 to convert the usage from a shop (A1) to a café (C3) for a period of 2 years

## CONSULTATIONS

41 neighbouring properties were notified of the application on 23 March 2017. So far 7 letters or representation have been received and these raised the following issues:

Comment	Response
Impact upon the adjacent clinic (Osteopath) as well as other adjacent businesses	<p>This application is not expected to result in material harm to neighbouring uses. Nevertheless, the application is for a temporary period to allow review in the event material harm arises.</p> <p>It is appreciated that there is a clinic in close proximity but it is also worth noting that the site is a commercial unit within a secondary shopping frontage. The proposed usage would also not generate significant noise and recommended condition 3 would limit the hours of use. The site would also be subject to Environmental Health Legislation.</p>
Impact upon adjacent windows, overlooking,	<p>There are windows adjacent the plot and that look out onto the area but these are to a clinic and not a residential property. There is a wall that is approximately 1.6m in height that provides some separation. It is also worth noting that this degree of overlooking</p>

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Ref: 17/0998 Page 4 of 11



	already existing and that recommended condition 3 would limit the hours of use.
Noise and pollution, odour, smoking,	Excessive noise and harm caused through elements such as smoking could be classified as a statutory nuisance. It would therefore be covered and controlled through Environmental Health legislation rather than planning legislation.
Use of the private driveway to the rear	This can be controlled through a recommended condition.
Safety concerns	The use of the area would be subject to health and safety legislation.  It is worth noting that this is separate to planning legislation.
Impact upon character and appearance of area.	The tables, chairs and umbrellas would be readily visible as would people using this area but they would not be considered harmful.  The existing fences would provide some screening and this area is obviously associated with a commercial premises.  It would therefore not be out of keeping and would not cause harm to the character and appearance of the site or surrounding area.
Bin storage area	The bins are stored in between the two closet wing projections at the side of the building. The use of this area would therefore not have a harmful impact upon this element.

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

National Planning Policy Framework 2012

London Plan 2011

Brent's Draft Development Management Policies

DMP1 - Development management General Policy

DMP2 – Supporting strong town centres

DMP3 – Non retail uses

DMP12 - Parking

## DETAILED CONSIDERATIONS

- 1.1 The area in question is to the rear of an existing coffee shop. It is currently empty and is generally unused. What is being proposed seeks temporary consent to change this area into an outdoor space associated with the coffee shop until December 2017. This would include the

insertion of 8 tables and 22 chairs and associated umbrellas which would measure at most 2.5m in height. As the change of use of this area would be of benefit to the coffee shop and would help to attract customers who wish to sit outside, the proposed change could be considered acceptable in principle but there are issues that need to be considered and assessed

1.2 The main issues for consideration are:

1: The impact upon the character and appearance of the site and surrounding area:

2: The proposed change of use and the impact this would have on the adjacent properties:

### **Character and appearance**

1.3 The proposed tables and chairs would be visible from the adjacent road and adjacent properties. The proposed umbrellas would also project above the existing fence line but they would not be an incongruous feature. The area in question is currently concrete and it backs onto a commercial premises and what is being proposed would bring some variation and would preserve the overall character and appearance of the site and surrounding area.

### **Impact upon living conditions**

1.4 Due to the siting and distance to the nearby windows, the proposed tables, chairs and umbrellas would not cause a harmful loss of light or significant sense of enclosure. There are concerns raised by neighbours with regards the possible increase in noise and overlooking and this has been expanded upon below:

1.5 Noise

Due to the proximity to residential and commercial premises, especially an adjacent clinic, the use of this area and the noise that it would produce is a concern to some of the neighbours. The Council's Environmental Health Officers are however of the opinion that any harm could be mitigated through an appropriately worded condition that would limit the hours of operation. Excessive noise would be subject to Environmental Health legislation dealing with statutory nuisance, specifically the Environmental Protection Act 1990 .

1.6 It appears that the applicant was aware of these possible issues and the impact upon the adjacent properties prior to the submission of this current application as they voluntarily asked for a temporary trial period. The applicant has asked to use this area until December 2017 and this should give a fair representation as to the impact it would have on the adjacent clinic and other surrounding properties.

1.7 Overlooking

There are windows adjacent the site that would be affected by the proposed change of use but any impact would not be considered significantly harmful. The windows supply light and outlook to a clinic and not a residential property. There is also a wall that provides some degree of separation.

### **Highways**

1.8 The property was previously a shop and is currently a coffee shop and there would not be a significant increase in the number of people using the premises as to have a harmful impact upon the road network. There is some concern from neighbours that pedestrians could utilise and access the road to the rear but the agent has confirmed that this would be restricted and controlled by staff. It has also been addressed through recommended condition 4. The scheme would not cause harm in terms of highway safety.

### **Permitted development**

1.09 In December 2016 the site invoked their permitted development rights and altered the use of the building from A1 to C3 for a period of 2 years. This was carried out under Part 4, Class D of the General Permitted Development Order. The wording of the permitted development criteria does not place restrictions upon elements such as outdoor seating; it states that a use falling within Class A1 (shops) can alter to a flexible use falling within Class A3 (restaurants

and cafes). As this legislation uses the words “building and any land within its curtilage,” it is open to debate as to whether the proposed outdoor seating area could be incorporated under these rights. The agent for the application has made reference to their permitted development rights during correspondence with the council and has advised that they would consider this course of action.

- 1.10 What can be carried out utilising permitted development rights is a material consideration and is given weight, so a trial period to ascertain the actual impact is considered a reasonable course of action.

### **Conclusion**

- 1.11 The site is a commercial premises located within a secondary shopping frontage. The area that is to be altered is to the rear and is clearly associated with a commercial usage. There are a number of windows and openings in close proximity but the proposed change of use would not be likely to result in material harm to neighbours. It is already possible to look into the adjacent openings to the clinic and recommended condition could control the hours of use. It is also worth noting that elements such as the creation of noise can be controlled through separate Environmental Health legislation. The scheme would therefore preserve the character and appearance of the site and surrounding area but to ascertain the actual impact, a trial period is recommended.



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 17/0998

To: Mr Millett  
Walsingham Planning  
Bourne House  
Cores End Road  
Bourne End  
SL8 5AR

I refer to your application dated 06/03/2017 proposing the following:  
Temporary use of land to the rear of 111 Chamberlayne Road for outside seating area  
and accompanied by plans or documents listed here:  
Please see condition 2  
at 111 Chamberlayne Road, London, NW10 3NS

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: 28/07/2017

Signature:

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

**Alice Lester**  
Head of Planning, Transport and Licensing

**Notes**

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

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-  
Development Management Policies 2016:-
  - 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The scheme does not comply with guidance [and no pre application discussions were entered into]. The local planning authority delivered the decision in a timely manner.
  
- 1 The use of the land marked red on the location plan and subject to this application shall cease on or before 31 December 2017. A letter confirming when this trial period shall start as well when it has ended shall be sent to the LPA.  
  
Reason: To ascertain the actual impact on the living conditions of the surrounding properties and 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 drawings:  
  
Floor plan, Details of tables and chairs, Details of umbrella  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The use of the outdoor seating area shall not be used by customers except between the hours of:-  
  
09.00 hours and 18.00 hours Mondays to Sunday.  
  
Outside of these hours, the umbrellas shall be taken down and stored in a horizontal position.  
  
Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.
  
- 4 At no time shall customers enter or exit the site to or from the road to the rear.  
  
Reason: In the interest of preserving neighbouring amenities
  
- 5 The umbrellas shall be no higher than 2.5m above ground level.  
  
Reason: in the interests of neighbouring amenity.

## INFORMATIVES

- 1 Please be advised that the creation of excessive noise and anti social behaviour could be classified as a statutory nuisance and subject to Environmental Health legislation.

*Document Imaged*

*DocRepF*  
*Ref: 17/0998 Page 10 of 11*

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

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

9 August, 2017  
04  
17/1888

## SITE INFORMATION

RECEIVED	27 April, 2017
WARD	Barnhill
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	62 Dunster Drive, London, NW9 8EL
PROPOSAL	Conversion of existing dwelling into 3 self contained flats with associated internal alterations and provision of front car parking, soft landscaping and bin storage
APPLICANT	Futurelane Developments
CONTACT	Crazy(World) Limited
PLAN NO'S	Please refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133980">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133980</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/1888" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

**RECOMMENDATION** Resolve to grant planning permission subject to conditions


That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:

### Conditions

1. Standard 3 year permission
2. List of all approved plan numbers/documents
3. Materials to match the existing building
4. Cycle parking
5. Sound insulation
6. Refuse storage

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

## SITE MAP

	<b>Planning Committee Map</b> Site address: 62 Dunster Drive, London, NW9 8EL © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

## PROPOSAL IN DETAIL

The applicant proposes the conversion of the existing dwelling into 3 self contained flats with associated internal alterations and provision of front car parking, soft landscaping and bin storage.

The current proposal differs from the approved scheme by adding a new front rooflight, the front door and steps have been shifted to allow for the realigned front room to be a living room for the ground floor flat, windows in the side dormer window would be repositioned, the door on the side elevation to be removed and a side window facing Hill Drive omitted,

The proposal comprises:

- 3 bed 5 person flat = 92.50 sqm with private amenity space .
- 2 bed 3 person flat =65.45 sqm.
- Studio flat = 56.90 sqm.

## EXISTING

The property is a detached house located on the corner of Dunster Drive and Hill Drive. The site does not lie within a conservation area nor is it listed building. Planning permission (ref: 16/2057) for extensions and alterations to the existing bungalow to create a two storey dwelling with habitable loft space, including front porch, two storey side extension, single storey front extension, side dormer window, two rooflights, side door and associated alterations to windows on the front and side elevations has been implemented and was almost complete at the time of site visit.

## SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

- **Representations Received:** A total of 81 objections have been received from 5 properties.
- **Principle of use:** –There is not considered to be a reason why the property cannot be sub-divided, and flats are considered able to co-exist alongside houses.
- **Design:** – Following planning permission to extend the house previously, the amendments proposed as part of this application are considered relatively minor.
- **Quality of the resulting residential accommodation:** – The residential accommodation proposed is of sufficiently high quality.
- **Neighbouring amenity:** – The impact is considered not to be materially greater than the development which has planning permission and which is being constructed.
- **Highways and transportation:** –The impact on the highway is considered to be acceptable.

## RELEVANT SITE HISTORY

**17/0083/PRE** The application follows pre-application advise for the conversion of the existing dwelling into three self contained flats, front parking and soft landscaping, bin store with associated internal alterations.

**16/2057** - Demolition of chimney breast and extensions and alterations to existing bungalow to create a two storey dwelling with habitable loft space, including front porch, two storey side extension, single storey front extension, side dormer window, two rooflights, side door and associated alterations to windows on the front and side elevation. Approved on 15/12/2016. At the time of the site visit, this planning permission was substantially completed.

## CONSULTATIONS

9 adjoining properties were consulted between 20/05/2017 and 10/06/2017. 8 letters were received from 5 of the neighbouring properties, with the following objections summarised below:

Grounds of objection	Response
----------------------	----------

Flats are out of character and scale with the area and will set a precedent for other conversions to take place within the area	The proposed development does not involve any extensions to the host dwelling. Full details are in paragraph 2.
Loss of light	The proposal does not entail any extensions or external alterations that involve new windows. Please see paragraph 17.
Loss of privacy	The proposal does not entail any extensions or external alterations that involve new windows. Please see paragraph 17.
Overshadowing nearby houses and gardens	The proposal does not entail any extensions or external alterations that involve new windows. Please see paragraph 17.
Construction disturbance	This would be controlled by environmental health. Please see paragraph 18.
Increase in parking demand and traffic accidents	Transport officers have not objected to the proposal which would provide 2 off-street parking spaces. Full details are in paragraph 7. Please see paragraphs 11 -13, and 16.
Proposal provides little landscaping to the front of the property, and results in the loss of the existing garden	The drawing does proposes 50% soft landscaping within the front garden. Please see paragraph 14.
Overdevelopment	The proposed flats comply with London Plan 2016 standards. Please see paragraph 6.
Visually overbearing	The proposal does not entail any extensions or external alterations that involve new windows. Please see paragraphs 3-5.
The building is higher than all the other buildings on the street and nearby streets	There are no extensions proposed under this application. Please see paragraphs 3-5.
Lack of consultation with local residents	The Council has consulted local residents in accordance with relevant legislation and guidance.
It is not clear what tenure the proposed residential units would be	As the proposal is for less than 10 units there is no requirement for any of them to be affordable housing, so logically they would be market units.
The proposal would devalue nearby homes	This is not a material consideration within the planning system.

## POLICY CONSIDERATIONS

### National Planning Policy Framework (2012):

- Section 6 – Delivering a Wide Choice of Quality Homes
- Section 7 – Requiring Good Design

### The London Plan (2016):

- Policy 3.5 – Quality and Design of Housing Developments

### Core Strategy (2010):

- CP 2 – Population and Housing Growth
- CP 17 – Protecting and Enhancing the Suburban Character of Brent
- CP 21 – A Balanced Housing Stock

### Brent's Local Plan (2016):

- DMP 1 – Development Management General Policy
- DMP 12 – Parking
- DMP 16 Resisting Housing Loss
- DMP 17 Conversion of Family Sized Dwellings
- DMP 18 Dwelling Size and Residential Outbuildings
- DMP 19 Residential Amenity Space

### Supplementary Planning Guidance:

- SPG 5 – Altering and Extending Your Home (2002)

- SPG17 – Design Guide for New Development (2001)

## DETAILED CONSIDERATIONS

1. The main considerations when assessing the proposal are the following:

- Principle of development
- Impact on character and design
- Standard of accommodation
- Impact on neighbouring amenity
- Transport & Highways

### Principle of development

2. There is no objection to the principle of the creation of flats, provided certain standards and policy requirements are met. Policy CP 2 includes housing targets for the borough, reflecting the London Plan. Policy CP 21 seeks to maintain and provide a balanced housing stock in Brent. The existing approved property has 6 bedrooms and a gross internal area of 227 sqm. The existing floorspace therefore exceeds 130 sqm in accordance with the requirements set out in policy DMP17, indicating that it is potentially suitable to be sub-divided (subject to details which are discussed below). As such, the general principle of development is considered to be acceptable. Objections note that the area is characterised by houses rather than flats. However, there is not considered to be a reason why this would be damaging to the existing community, and houses and flats can co-exist in close proximity.

### Design

3. The proposed development does not involve any extensions to the host dwelling but there are some alterations proposed. The site is a corner property, therefore, external changes must be carefully considered due to the high visibility from the street. The change to the appearance of the front elevation is that the front door and steps has been shifted to allow for the realigned front room to be a living room for the ground floor flat, and for the front door to be used to access the two flats upstairs. The gap between the front door and window which was previously approved would be removed, with the two now proposed to be immediately adjacent. However, the proposed arrangement would better align with the floors above and so is considered acceptable.
4. There is no change to the rear elevation through the proposals. The proposed side elevation (view from No. 2 Glenwood side) includes the removal of the ground floor door, and the removal of a set of windows at loft level. The proposed side elevation (from Hill Drive side) includes the insertion of another window at first floor level. All are considered relatively minor alterations, which do not radically alter the overall appearance of the building. In addition, these are changes which could readily be made to a single family dwellinghouse using permitted development rights.
5. Therefore, the proposed changes to what has previously been approved are not considered to detract from the character and appearance of the existing property or the streetscene.

### Quality of the resulting residential accommodation

6. The proposed development would deliver 3 residential units. The ground floor unit would contain 3 bedrooms and measure 92.5 sqm. The first floor unit would contain 2 bedrooms and measure 65.45 sqm. Finally, there would be a studio measuring 56.9 sqm. In each case the minimum unit sizes set out in the London Plan and the National Technical Housing Standards are exceeded. For the studio this is slightly complicated by the unit having variable ceiling height with it being within the roof space. The guidance is that 75% of the unit should have a ceiling height of 2.3m or more. The proportion of the unit that achieves this is less (61%), but given how much the studio substantially exceeds the standard (the minimum is 37 sqm) then this is considered acceptable.
7. The units are well laid out, with the habitable rooms generally considered to have sufficient daylight and outlook. The ground floor 3 bed unit would have direct access to 63 sqm of private amenity space. The upper floor flats (2 bed and studio) would not have access to private amenity space. This is not ideal, but it is preferable for the family sized unit to benefit from this, rather than the two bedroom unit. This is considered acceptable given the characteristics of the site.
8. SPG17 advises that different rooms should avoid being “stacked” over or under each other. The proposed layout of the flats shows living rooms above living rooms and bedrooms above bedrooms and is considered acceptable. A condition would be recommended on any approval granted to ensure that

sound transmission within these areas is minimised.

9. A bin store is proposed for the upper two units, which is in the frontage of the property. The ground floor unit also has its own bin store within the private garden. This is considered acceptable.
10. Overall, the proposed units are considered to provide a good quality standard of accommodation.

#### **Highways and transportation**

11. The parking allowance for residential use is given in appendix 1 of the Development Management Policies. The existing 6 bedroom dwelling is permitted 2 spaces and the site can currently accommodate one/two parking space within the front garden, which does satisfy parking standards. The proposed 3 self contained flats will have a parking allowance of 3.5 spaces, which is a significant increase in parking standards.
12. Drawing number 62DD(01)E proposes a widening in the front boundary wall of 4.8m. This is to provide two off street parking spaces within the front garden, accessed from Glenwood Avenue. The existing crossover is wide enough.
13. The proposed two parking spaces are welcomed but do not fully satisfy the guidance. Given car ownership levels in the borough there have been occasions where 75% of the parking standard has been considered more appropriate (although in practice it would still leave a short fall of one space on site). However, on-street parking bays at the flank of the property on Hill Drive also provide further parking that can be counted towards the standard, albeit these spaces are marked partly on the footway.
14. The drawing proposes 50% soft landscaping within the front garden which is welcomed and complies with Brent's Crossover Policy.
15. Cycle parking spaces have not been provided. Five spaces should be provided to comply with the London Plan and these should be provided within a secure and covered location to protect against theft and weather. A condition would be recommended on any approval granted to cycle parking is provided.
16. Objections concern highway safety on the junction, suggesting that the proposal would make it worse by reducing visibility. This planning application does not include the enlargement of the property, which has been approved previously, and which the highways officer did not consider to be detrimental to the highway.

#### **Impact on neighbouring amenity**

17. As the proposal does not entail any extensions or external alterations that involves new windows, it is considered that the proposal would have an impact on the residential amenity of neighbouring properties, by reason of overbearing, loss of light, loss of privacy or overlooking. As noted above the main alterations to the building have been previously approved, and so the impact is not considered to be materially altered by this proposal. Although there would be more residential units on the site than there has been in the past, it is not expected that 3 flats would generate excessive noise, and the use is considered compatible with the existing character of the area.
18. Construction impacts have been raised by objectors. The majority of the impacts are associated with the development which has already been approved. It is not considered that this proposal would make this substantially worse, and environmental health legislation concerns nuisance.
19. The proposal would be a change of use and would not create additional floorspace. Therefore, there would be no liability for CIL.

#### **Conclusion**

20. It is recommended that planning permission is granted. The provision of additional units is supported by planning policy and is not considered to be incompatible with the surrounding area. The 3 units proposed are considered to be high quality, and the external alterations are relatively minor in the context of what has already been approved. Related to this the impact on neighbouring properties is also considered relatively minor. The impact on the highway is considered acceptable.

## **CIL DETAILS**

This application is liable to pay **£0.00\*** 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): 0 sq. m.

Total amount of floorspace on completion (G): 227 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
	227	227	0	£200.00	£35.15	£0.00	£0.00

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)	286	
<b>Total chargeable amount</b>	£0.00	£0.00

\*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.**



**Brent**

DECISION NOTICE – APPROVAL

Application No: 17/1888

To: Mr Sodvadiya  
Crazy(World) Limited  
33 Chester Road  
Ilford  
London  
IG3 8PT

I refer to your application dated 27/04/2017 proposing the following:  
Conversion of existing dwelling into 3 self contained flats with associated internal alterations and provision of front car parking, soft landscaping and bin storage and accompanied by plans or documents listed here:  
Please refer to condition 2.  
at 62 Dunster Drive, London, NW9 8EL

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: 28/07/2017

Signature:

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

**Alice Lester**  
Head of Planning, Transport and Licensing

**Notes**

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

DnStdG



SUMMARY OF REASONS FOR APPROVAL

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

Brent Core Strategy (2010)  
Brent Development Management Policies (2010)  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

- 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):

Location Plan  
62DD (01) E  
62DD (02) A  
62DD (03) A  
62DD (04) B  
62DD (05) A

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

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- 4 The residential units hereby approved shall not be occupied until a minimum of 5 secure and covered cycle parking spaces have been provided on site and made available for the use of the residential units. They shall be retained as such thereafter.

Reason: To ensure satisfactory facilities for cyclists.

- 5 The insulation within the residential units hereby approved shall be designed to achieve the following:

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

Reason: To ensure that the residential units are high quality and offer acceptable amenity standards for future residents.

- 6 Prior to the first occupation of the units the bin stores hereby approved shall be provided and made available to residents, and maintained as such thereafter.

Reason: to ensure that the residential units are high quality.

*Document Imaged*

Any person wishing to inspect the above papers should contact Mandeep Chaggar, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5346

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

9 August, 2017  
05  
16/3606

## SITE INFORMATION

<b>RECEIVED</b>	<b>16 August, 2016</b>
<b>WARD</b>	<b>Alperton</b>
<b>PLANNING AREA</b>	<b>Brent Connects Wembley</b>
<b>LOCATION</b>	<b>245-249 and 253 Ealing Road, Wembley, HA0 1EX</b>
<b>PROPOSAL</b>	Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (7 x studios, 45 x 1 bed, 26 x 2 bed and 14 x 3 bed units), ground floor commercial use within Use class A4 (drinking establishment) or Use class D1 (community centre) with associated basement for car and cycle parking spaces and storage, vehicular crossover, bin stores, amenity space, landscaping and associated works
<b>APPLICANT</b>	Mr HKDD Properties Ltd
<b>CONTACT</b>	<b>SF Planning Limited</b>
<b>PLAN NO'S</b>	Refer to condition 2.
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_129761">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_129761</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "16/3606" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

**RECOMMENDATION** Resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement.

### Section 106 Heads of Terms

1. Payment of legal and professional costs;
2. Affordable Housing (24 homes, 17 units will be affordable rent and 7 will be shared ownership - a 71:29 ratio of Affordable Rent to Shared Ownership);
3. A commuted payment of £6,000 towards the provision or enablement of offsite affordable housing;
4. A post implementation financial review mechanism, to reasonably capture any improvement in viability for deferred Affordable housing planning obligations;
5. Notification of commencement;
6. Requirement for the commercial unit to be legally bound in its use as a community facility;
7. Undertaking of highway works and soft landscaping on the highway through an agreement under S38/S278 of the Highways Act 1980;
8. The implementation of and monitoring of a residential travel plan, incorporating free membership of a car club in the vicinity of the development for residents for an enhanced period of at least two years;
9. Training and employment plan targeting Brent residents;
10. A financial contribution of £60,000 towards the cost of extending Controlled Parking Zones in the vicinity of the site, including the subsidisation of parking permits of existing local residents in the area;
11. Contribution towards a local carbon off-setting scheme to achieve the targets for carbon reduction set out in condition 7, should those targets not be met through on-site measures.
12. Any other planning obligation(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit for commencement
2. Approved drawings/documents
3. Specific windows to be obscure glazed for privacy
4. Highway works and parking spaces, cycle, bin storage and amenity spaces to be laid out prior to occupation
5. Car free
6. Considerate Constructors' Scheme membership
7. Carry out in accordance with approved SUDS measures
8. Carry out in accordance with approved noise impact assessment
9. Carry out in accordance with approved air quality impact assessment
10. Details of materials to be approved
11. Recording report to capture The Plough public house heritage asset
12. Demonstration of 10% wheelchair accessible units
13. Demonstration of acceptable disabled access
14. Emissions details of domestic boilers
15. Electric vehicle charging points
16. Revised details of lifts of basement for practical use
17. Provision of public bicycle stands, alterations to parking entrance gates, provision of additional access
18. Delivery and servicing plan
19. Construction logistics plan
20. Landscaping and Child Play details
21. Tree details and planting viability
22. Consideration of additional energy saving
23. Procedures for CHP failure
24. Consideration of connection to local heat network
25. Implementation of site heat network
26. Consideration of carbon savings modelling
27. Plant noise limited
28. Sound insulation measures
29. Construction method statement

30. Contaminate land investigation
31. Contaminated land remediation
32. External lighting
33. Carbon savings
34. Communal TV and satellite
35. Water consumption

#### Informatives


1. Guidance notes from Thames Water
2. Notify highways service of intent to commence works
3. CIL liability

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That, if by 3 months of the committee date the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: 245-249 and 253 Ealing Road, Wembley, HA0 1EX</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.





## PROPOSAL IN DETAIL

The proposal is to demolish the existing buildings on site and erect two buildings of up to 10 storeys in height in their place. The basic form of the buildings is for a broadly rectangular footprint, with small steps in form along the façade for articulation. On the ground floor of the northernmost building would be a public house (A4) / community facility (D1) measuring 129sqm. On the ground floor of the southernmost building would be an at-grade car park containing disabled parking provision and a place for refuse collection. Ancillary floorspace such as cycle stores and plant area would be mainly located at basement level, with the refuse stores located on ground floor level.

Above this there would be 31 residential units within the northernmost building (block A) and 61 residential units within the southernmost building (block B), which would be a mix of one, two and three bedroom flats. Each block would have a single core, with block A's core serving up to 4 flats on each floor and block B's flat serving up to 8 flats on each floor. The building form is consistent up the structures although the top storey of each building is set back to a greater degree than the floors below. The top storey would have a 120sqm communal terrace and 58sqm of child play space in place of the built form that has been removed to achieve a set in on the south side. All flats are also to be provided with a private balcony/terrace and additional rooftop communal gardens are to be placed atop both buildings.

## EXISTING

The site includes an MOT Centre, former HSBC bank building and the Plough Public House. These existing two storey buildings are all to be demolished in place of the proposal.

The surrounding area is mixed in character, with some retail and considerable light industry and manufacturing within close proximity. However, the area is increasingly becoming residential following completion of housing developments, including those to the immediate north (243 Ealing Road) and construction of new developments to the south (255 Ealing Road) as well as nearby emerging developments such as Abbey Wharf and Minavil House.

The site fronts on to Ealing Road, which is a significant thoroughfare within the borough. The northern part of the site located on the junction with Hatton Road and Glacier Way, a prominent junction which provides vehicular access to the Sainsbury's Superstore to the West. The northern and eastern sides of the site are bounded by Hatton Road, with modern residential blocks Cosgrove House (north) and Braunston House (east) forming the immediate context across Hatton Road. To the south, across a small service road is the site of 255 Ealing Road, where another significant residential development is being implemented. Between the Plough pub to the south and the former HSBC building to the north is a small strip of land containing an access to Hatton Road, this access is outside of the applicant's ownership. The site therefore encompasses two separate plots of land, HSBC to the north and the Plough to the south.

The site is within Alperton Growth Area, which is designated within the Core Strategy as one of the areas within the borough where the majority of the planned growth is expected to occur. It is part of site allocation A.3 (Former B&Q and Marvelfairs House). In July 2015 Alperton was designated as a Housing Zone by the Mayor of London.

Finally, the locality is designated as an Air Quality Management Area.

## SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

- **Representations Received:** A total of 42 objections have been received principally raising concerns regarding scale & design, loss of light and views, transport and access impacts and a lack of supporting facilities
- **Land use:** The loss of a designated asset of community value is to be mitigated through a S106 obligation for a replacement pub whose community use can be assured and controlled. The residential use is strongly supported through the housing zone designation and the site specific allocation governing

this area.

- **Design:** The design of the building is considered to be acceptable and the height and massing is in keeping with the local context.
- **Housing density:** The density is very high but the site has a high Public Transport Accessibility Level (PTAL) and surrounding development is of a similar density.
- **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and closely aligned with the Alperton Masterplan mix, and would have good outlook. The amenity space is slightly below our standard, but not by much and is high for a tall building.
- **Affordable housing:** The maximum reasonable amount has been provided on a policy compliant tenure split. The viability has been tested and it has been demonstrated that this is the maximum reasonable amount that can be provided on site. The requirements of affordable housing obligations are considered to have been met.
- **Neighbouring amenity:** There would be a loss of light to some windows of surrounding buildings, which is a function of a development on this scale. The overall impact of the development is considered acceptable, particularly in view of the wider regenerative benefits.
- **Highways and transportation:** The alterations to the public highway would be acceptable, considering the needs of pedestrians, cyclists and motorists. Only 10 disabled parking spaces are to be provided, with the remainder of the development expected to operate free of cars. Some alterations are required through condition, but the principle of the highways layout results in an acceptable arrangement.
- **Trees, landscaping and public realm:** Some trees are proposed to be removed but they are not considered worthy of retention. The proposal has the potential to improve on the existing situation with the forecourt landscaping proposed. This will be assured through conditions.
- **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy. Conditions will require further consideration of carbon savings prior to implementation.

## RELEVANT SITE HISTORY

The site does not have any relevant planning history.

## CONSULTATIONS

### Consultation with neighbours

A press notice advertising the proposal was published on 29 September 2016, and a site notice was displayed on 19 September 2016. In addition, letters were sent to 469 neighbouring properties on 19 September 2016. Councillors for Alperton Ward were also consulted.

Following this, 42 representations have been received. The majority of objections were received from residents of Cosgrove House (to the north) and Braunston House (to the east). The prevailing issues raised within these representations are laid out and responded to below. In addition, a petition objecting to the proposal has been received. It has been signed by 75 residents of Braunston and Cosgrove Houses, although there are no specific comments made on the grounds of objection.

Objection	Response
<p>The development would result in inconvenience of access routes to the existing developments to the north and east.</p> <p>The access will need to be through the private road servicing 245 Ealing Road (Hatton Road).</p>	<p>The proposal will retain Hatton Road (access from Ealing Road) fully, as well as a pedestrian access between 245-249 and 253 Ealing Road, as is currently the case. It is therefore not considered that local access routes and permeability will be changed by this development.</p> <p>The proposed pedestrian and vehicular access to the building will be from along the main frontage along Ealing Road. No accesses will be made available from Hatton Road.</p>

<p>The scale of development is inappropriate, with insufficient spacing between and placement of blocks. The standard for separation between buildings is 18m-20m.</p> <p>There will be a loss of privacy due to the close proximity of buildings.</p>	<p>The scale of development is very similar to that of its immediate neighbours, Braunston and Cosgrove Houses. The placement of the building is broadly in line with the existing pattern although it is acknowledged that the relationship is tighter in places.</p> <p>The 20m separation standard within Brent's SPG5 guidance specifically refers to face-to-face windows in the interests of protecting privacy between neighbouring dwellings. The development has been designed so as to ensure that windows are not present where they would compromise privacy at an unsuitable distance, e.g. there are no clear glazed windows on the east facing elevation of Block A towards Braunston House.</p> <p>Proximity alone is not a measure of detrimental impact in terms of light and overshadowing and loss of privacy, as daylight and sunlight reports are used to assess the full impact of building proximities.</p>
<p>The Daylight and Sunlight assessment does not take into consideration the proposed developments at 255 Ealing Road, 253a Ealing Road and 1C Carlyon Road. The daylight and sunlight report indicates that a significant number of windows within neighbouring buildings are to lose light.</p>	<p>There are a number of principles within the BRE guidance that are used to demarcate varying standards of daylight/sunlight loss. Given the high density of the development and the established standard for this form of urban design in Alperston, it is to be expected that the most stringent of the BRE standards (e.g. the 25 degree plane test) are unlikely to be passed on a significant scale.</p> <p>The Council acknowledges that the daylight and sunlight impacts are significant in some cases. Nonetheless, it is considered that the scale of development, both that proposed and which has come before it, would only realistically be delivered alongside losses of light proportionate to the scale and density of development.</p> <p>The proposed development at 255 Ealing Road has been factored into the D&amp;S report and modelling. The proposed development at 253a Ealing Road/1C Carlyon Road is small scale in nature</p>

	<p>(small domestic houses) and is unlikely to cast significant shadows or obstruct light in the same way as existing developments within this area.</p> <p>Brent's SPG17 guidance requires that 10m of unobstructed distance is required to achieve good outlook from neighbouring habitable windows, which is achieved within this development.</p>
<p>Parking stress will increase, owning a car will become very difficult. The traffic congestion on Ealing Road will increase.</p> <p>The transportation needs of the development will not be fulfilled by 143 cycle spaces and 10 car parking spaces.</p>	<p>These developments, as well as those to the north and east, are designed as car free developments (with the exception of disabled parking, where suitable parking spaces are made available) and as such, developments within this area deliberately do not provide parking capacity. This is justified on the grounds that public transport access is good within the local area and moving away from reliance on car use is important for future sustainability. This incentive to prevent car ownership includes restricting residents from applying for parking permits. Car free developments are therefore not considered to contribute to parking stress.</p> <p>By extension, the development is unlikely to have a noticeable impact on local traffic, as only a very small number of disabled car parking spaces can be used within this development which will generate a very small number of car movements in and out of the development.</p>
<p>There will be pressure put on local services.</p>	<p>The development would be liable for Community Infrastructure Levy (CIL) payment in excess of £1m, which would solely contribute towards local community infrastructure.</p>
<p>There are a high number of 1 bedroom flats proposed. In the suburbs (such as Alperton), the emphasis and encouragement should be on family living.</p>	<p>The Alperton Masterplan identifies that the need for family housing (10% or 40% within social rent tenure) is lower than the need in Brent as a whole (25%). Further information is in paragraphs 33 and 34 below.</p>
<p>The density and size of the site is likely to result in small units with minimal landscaping, which is undesirable to homeowners.</p>	<p>The units all comply with the Mayor's standards within the London Plan on suitable flat sizes. Achievement of these standards is considered to provide a functional and desirable space for the intended number of occupants. In addition</p>

	<p>to meeting floor space standards, the flats all have at least one balcony space and access to a substantial roof terrace. The overall amenity space offer is considered to be substantial given the site constraints.</p>
<p>The density must surely exceed the recommended density benchmark, as dictated by PTAL values.</p>	<p>The development does significantly exceed recommended density in accordance with the Mayor's density matrix (see paragraphs 26 and 27 below). This is considered acceptable by both Brent and the Greater London Authority and is common across the Mayor's housing zones.</p>
<p>There is little recreational space outside the building. Will the residents have access to the communal garden for residents of the 245 Ealing Road development?</p>	<p>There are to be landscaping improvements along Ealing Road, although the majority of recreational space is to be provided internally within private balconies and large roof terraces.</p> <p>The potential for prospective residents to access the 245 Ealing Road communal gardens is a private matter for the management of 245 Ealing Road to consider.</p>
<p>The community centre/replacement pub cannot function as both. The unit is also very small and without two accesses does not meet fire and access regulations.</p> <p>Reports that the current owner of the Plough public house has allowed the pub to become run down and a haven for drug users.</p>	<p>The community centre/pub will be used to replace the asset of community value. Unlike the existing pub, the proposed pub will be subject to the control of the Local Planning Authority to ensure it serves a community function. This is detailed within the S106 obligation.</p> <p>Some comments from objectors suggest that the existing public house does not effectively serve as a community asset. If this is the case, the new public house use will offer an opportunity to re-establish a more functional community asset, even if the floorspace will be reduced.</p> <p>The fire strategy will need to be addressed at the building regulations stage.</p>
<p>The proximity to Ealing Road will cause dust and dirt to build up on the balconies, glass and cladding. It is not mentioned how the need for regular cleans will be addressed.</p>	<p>Cleaning of the building will be the responsibility of the owners and those who manage the building on behalf of the owners. This is not a unique problem and would be experienced along many busy roads within the borough. An excessive build up of dirt and dust would result in an environmental health concern rather than</p>

	an issue with the planning consent.
Views would be obstructed.	Individual views are not protected within policy, only key strategic views (e.g. the Wembley Stadium arch from designated viewpoints).
The community would want a café, restaurant and/or a modern medical centre for an underserved population.	The A4 commercial use proposed would directly re-provide the service to be lost. The CIL payment is designed to contribute to the delivery of infrastructure upon which a development relies.
Crime, amenities and schools should first be addressed before further regeneration is permitted.	See above.
The pub will result in potential for increased noise and disturbance at night and anti-social behaviour.	The pub use is already present and will be reprovided. Any crime or noise disturbance should be addressed as and when it occurs, by Brent's environmental health team.
The development does not promote high quality homes and healthy communities.	The development meets the Mayor's residential design standards and provides sufficient private and communal amenity spaces, particularly given the surrounding density. The proposal is therefore considered to offer a good quality of accommodation to prospective residents.
The development would put pressure on Alperton tube station.	TfL were consulted regarding this proposal and did not raise concerns about an increased use of Alperton Station.
The size and shape of the proposal will surely affect external noise levels.	The building itself will not emit significant noise. It is expected that the development will be mostly (at least 90%) free of cars and the associated generation of traffic demand. As such, it is not considered likely that local external noise levels will increase substantially.
The air quality assessment shows a number of receptors are predicting annual mean NO <sub>2</sub> levels over the APEC Band C requirements.	The air quality impacts have been considered thoroughly by Brent's relevant team. Further information on NO <sub>x</sub> emissions are to be required, approved and implemented before the use commences.
The value of nearby properties will be affected.	This is not a material planning consideration.
There are no safe ground level children's play areas – the roofs are not large enough for the number of flats proposed.	Subject to appropriate safety measures, rooftop playspaces can be safe spaces for children to play. Building regulations will ensure that necessary aspects of safety are included.  The overall outdoor space equates to

	about 14-15sqm per flat. Brent's SPG17 standards advise 20sqm of space per flat for suitable amenity space for a flat. Given the high density of this scheme, the amenity space achieved is considered to be substantial.
Pests and rubbish generation will increase.	Suitably sized refuse storage has been proposed to account for the occupancy envisioned.
The design of the building is inappropriate and the existing 2/3 storey height should be replicated in a redevelopment.	The housing zone designation by the Mayor of London of this part of Alperton and its adoption as a regeneration area within Brent puts pressure on the need for this area to provide a high quantity of new homes to address London's housing pressures. A 2/3 storey building would not represent an efficient use of land in the context of this policy background and would not necessarily relate well to the already established higher rise character of the area.
Energy bills will increase as natural light is reduced.	Losses of light to affected windows have the potential to increase the amount of time lighting is required. However, it is not expected that this would be dramatic.

#### Internal consultations

The following consultees were consulted, and made comments as detailed:

- **Environmental Health** – There are no objections raised. Conditions are suggested to cover issues including noise, construction impacts, air quality and contaminated land.
- **Affordable housing** – Following a negotiation process between the applicant and the Council, an agreement has been reached between parties that the maximum reasonable level of affordable housing is to be provided, given the projected costs.
- **Local Lead Flood Authority** – There are no objections raised and no conditions recommended.
- **Policy** – Loss of the community asset is not supported, unless further justification or re-provision of a similar community asset can be provided and clearly used as a community asset in accordance with the terms of a legal agreement.
- **Trees and landscaping** – The loss of trees is supported subject to further details of landscaping provision to satisfactorily mitigate this.
- **Heritage** – The pub has been identified as a potential candidate for local listing, however the building is not so significant that it should be retained at all costs, given the wider regenerative benefits.
- **Sustainability** – The proposal effectively demonstrates compliance with London Plan energy requirements.

#### External consultations

The following consultees were consulted, and made comments as detailed:

**Greater London Authority (including Transport for London (TfL))** – 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 category 1C of the Schedule to the Order 2008, namely the development comprises or includes the erection of a building more than 30 metres high, and is outside the City of London.

The Stage 1 report from the Mayor of London sets out that the principle of the housing-led mixed-use redevelopment of this site is supported. However, a number of strategic concerns are raised as follows:

1. **Housing:** The principle for a residential led mixed use development of the site is established by its location within the Alperton Growth Area defined by Brent policy Map (SSA(A)) and its location within the Alperton Housing Zone which encourages the speeding up of residential delivery. Assurance however is required over the loss and re-provision of community floorspace linked to a secured asset of community value.
2. **Affordable Housing:** The affordable housing offer should be further interrogated. The applicant's viability assessment should be thoroughly investigated by the Council's independent financial viability and its findings shared with GLA officers during the negotiation process.
3. **Urban design:** The height, scale and massing are supported but further work is required in relation to design quality and in particular the ground floor layouts of Blocks A and B.
4. **Playspace Provision:** The applicant has not set out the expected child yields and resultant play space requirements based on the Shaping Neighbourhoods: Play and Informal Recreation SPG 2012 and relate this to a playspace strategy. Brent Council should decide whether an off-site contribution to facilities is required in the context of the viability negotiations.
5. **Access:** Insufficient information provided to be compliant with the London Plan and the applicant should demonstrate that 90% of residential units meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4 (3) designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users; and the applicant should demonstrate that the public realm is inclusively designed.
6. **Sustainability:** The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions from the 'lean' scenario and provide the requested verification information before stage 2 referral.
7. **Transport:** TfL considers the proposal to be compliant with the London Plan and generally acceptable in transport terms, subject to the mitigation in relation to improvements to the surrounding pedestrian public realm and the securing of a construction logistics plan and Travel Plan.

Officers consider that these matters have been adequately addressed through the imposition of conditions or otherwise. 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.

**Thames Water** – No objections, but requirements for the applicant to obtain a Groundwater Risk Management Permit from Thames Water, as well as a requirement to install infrastructure for appropriate surface water drainage and for protection from backflow. These requirements are governed by legislation separate from planning and can be communicated to the applicant through an informative.

## POLICY CONSIDERATIONS

### National Planning Policy Framework (2012)

#### London Plan (2016)

- Policy 1.1 – Delivering the strategic vision and objectives for London
- Policy 2.6 – Outer London: vision and strategy
- Policy 2.7 – Outer London: economy
- Policy 2.8 – Outer London: transport
- Policy 2.14 – Areas for regeneration
- Policy 2.15 – Town centres
- Policy 2.16 – Strategic outer London development centres
- Policy 3.1 – Ensuring equal life chances for all
- Policy 3.2 – Improving health and addressing health inequalities
- Policy 3.3 – Increasing housing supply
- Policy 3.4 – Optimising housing potential
- Policy 3.5 – Quality and design of housing developments
- Policy 3.6 – Children and young people's play and informal recreation facilities
- Policy 3.7 – Large residential developments
- Policy 3.8 – Housing choice
- Policy 3.9 – Mixed and balanced communities
- Policy 3.10 – Definition of affordable housing
- Policy 3.11 – Affordable housing targets
- Policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 – Affordable housing thresholds



- Policy 3.16 – Protection and enhancement of social infrastructure
- Policy 3.17 – Health and social care facilities
- Policy 3.18 – Education facilities
- Policy 4.1 – Developing London’s economy
- Policy 4.2 – Offices
- Policy 4.3 – Mixed use development and offices
- Policy 4.7 – Retail and town centre development
- Policy 4.8 – Supporting a successful and diverse retail sector and related facilities and services
- Policy 4.9 – Small shops
- Policy 4.10 – New and emerging economic sectors
- Policy 4.11 – Encouraging a connected economy
- Policy 4.12 – Improving opportunities for all
- Policy 5.1 – Climate change mitigation
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.5 – Decentralised energy networks
- Policy 5.6 – Decentralised energy in development proposals
- Policy 5.7 – Renewable energy
- Policy 5.9 – Overheating and cooling
- Policy 5.11 – Green roofs and development site environs
- Policy 5.13 – Sustainable drainage
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 5.17 – Waste capacity
- Policy 5.18 – Construction, excavation and demolition waste
- Policy 5.21 – Contaminated land
- Policy 6.1 – Strategic approach
- Policy 6.2 – Providing public transport capacity and safeguarding land for transport
- Policy 6.3 – Assessing effects of development on transport capacity
- Policy 6.4 – Enhancing London’s transport connectivity
- Policy 6.7 – Better streets and surface transport
- Policy 6.9 – Cycling
- Policy 6.10 – Walking
- Policy 6.11 – Smoothing traffic flow and tackling congestion
- Policy 6.12 – Road network capacity
- Policy 6.13 – Parking
- Policy 7.1 – Lifetime neighbourhoods
- Policy 7.2 – An inclusive environment
- Policy 7.3 – Designing out crime
- Policy 7.4 – Local character
- Policy 7.5 – Public realm
- Policy 7.6 – Architecture
- Policy 7.7 – Location and design of tall and large buildings
- Policy 7.14 – Improving air quality
- Policy 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 7.19 – Biodiversity and access to nature
- Policy 7.21 – Trees and woodlands
- Policy 7.30 – London’s canals and other rivers and waterspaces
- Policy 8.2 – Planning obligations
- Policy 8.3 – Community infrastructure levy
- Policy 8.4 – Monitoring and review
  
- **Core Strategy (2010)**
- CP 1 – Spatial Development Strategy
- CP 2 – Population and Housing Growth
- CP 3 – Commercial Regeneration
- CP 5 – Placemaking
- CP 6 – Design & Density in Place Shaping
- CP 8 – Alperton Growth Area
- CP 14 – Public Transport Improvements
- CP 15 – Infrastructure to Support Development
- CP 16 – Town Centres and the Sequential Approach to Development

- CP 17 – Protecting and Enhancing the Suburban Character of Brent
  - CP 18 – Protection and Enhancement of Open Space, Sports and Biodiversity
  - CP 19 – Brent Strategic Climate Change Mitigation and Adaptation Measures
  - CP 20 – Strategic Industrial Locations and Locally Significant Industrial Sites
  - CP 21 – A Balanced Housing Stock
  - CP 23 – Protection of existing and provision of new Community and Cultural Facilities
- **Development Management Policies (2016)**
  - DMP 1 Development Management General Policy
  - DMP 2 Supporting Strong Centres
  - DMP 3 Non-Retail Uses
  - DMP 4 Neighbourhood Centres and Isolated Shop Units
  - DMP 6 Visitor Accommodation and Attractions
  - DMP 7 Brent's Heritage Assets
  - DMP 8 Open Space
  - DMP 9 Waterside Development
  - DMP 10 Capital Ring
  - DMP 11 Forming an Access on to a Road
  - DMP 12 Parking
  - DMP 13 Movement of Goods and Materials
  - DMP 14 Employment Sites
  - DMP 15 Affordable Housing
  - DMP 16 Resisting Housing Loss
  - DMP 17 Conversion of Family Sized Dwellings
  - DMP 18 Dwelling Size and Residential Outbuildings
  - DMP 19 Residential Amenity Space
  - DMP 20 Accommodation with Shared Facilities or additional support
  - DMP 21 Public Houses
- **Supplementary Planning Guides**
  - Design guide for new developments (SPG 17)
  - Employment development (SPG 18)
  - Roads - layout standards for access roads (SPG 13)
  - Roads - making an access to a road (SPG 3)
  - Shop fronts and shop signs (SPG 7)
  - Sustainable design, construction and pollution control (SPG 19)
  - Waste planning guide

## DETAILED CONSIDERATIONS

### **Background**

1. The planning application is referable to the GLA by the Mayor of London Order (2008). This requires that the GLA is consulted during the application (Stage 1), and following the Council's resolution (Stage 2). Stage 1 has been undertaken, but stage 2 can only come after the committee has resolved to either approve or refuse planning permission.

### **Land use**

2. The proposal would result in 150sqm of retail/community (A4/D1) floorspace. The residential would be 5,549sqm in terms of individual units, although there will also be 520sqm on ground floor + other floors ancillary space in the form of corridors, stairwells, lifts, bin and bike stores and covered car parking.
3. Policy CP8 of the Core Strategy promotes the Alperton Growth Area as mixed use regeneration along the Grand Union Canal. It seeks a compact and sustainable waterside community, and an enterprise hub with modern light industrial units, studios and managed workspaces. Across the entire area a minimum of 1,600 new homes are to be promoted between 2010 and 2026. The Locally Significant Industrial Lane (LSIS) is to be protected for appropriate industrial operations within classes B1c, B2, B8 or related uses.
4. The site is allocated within the Site Specific Allocations (SSA), which was adopted in 2011. It is listed as *Former B&Q and Marvellairs House*. The allocation is described in the document as:

*Comprehensive mixed use development including residential, amenity space, B1 employment and A3 uses. The canal side environment should be enhanced for pedestrian and canal users. The configuration*

*of light industrial workspace and A3 uses should seek to mitigate potential conflicts arising from the range of uses and noise generated at Ealing Road. Proposals should conserve and enhance the adjacent canal's Site of Metropolitan Nature Conservation Importance designation. To assist this, an undeveloped buffer strip of 5 metres from the canal will be encouraged.*

5. The indicative capacity is listed as 441 units, and it was expected that it may have come forward for development between 2011 and 2016. The former B&Q building has already been redeveloped with 440 flats within 7 blocks (09/21 16). This proposal would increase delivered residential units within the allocation from 440 to 532. The development site occupies the southern part of the allocation and is not located close to the Grand Union Canal. As such, the canal and nature conservation aspects of the allocation brief are not relevant to this site. This is a significant material consideration.
6. The site comprises two detached now vacant buildings formerly occupied by a bank and the former Plough public house. It is located within Alperton Growth Area and forms part of site allocation A3 B&Q and Marvelfairs House site. The site is allocated for comprehensive mixed use development including residential, amenity space, B1 employment and A3 uses. The key policy issue is if the loss of the public house has been justified, in line with Development Management Policy DMP 21.
7. It is acknowledged retaining the public house in its present form would prevent the comprehensive redevelopment of the B&Q and Marvelfairs House site, in line with the site allocation and Core Strategy policy CP8. Furthermore, the public house is not locally listed and the Conservation Officer has stated the building is not seen as so significant that it should be retained at all costs given the wider regeneration benefits (see below). That said, a public house use as part of a wider development could still play an important role in meeting the needs of local residents and contributing to the character of the area. The planning statement indicates the public house has been vacant since 2015 and provides an overview of existing public house provision in the wider area. However, this does not address the requirements of policy DMP 21, which requires evidence that the public house has been marketed for 24 months and of public consultation to ascertain the value of the public house to the local community. Furthermore, the public house is an Asset of Community Value meaning it has been demonstrated the public house can continue to further the social wellbeing and interest of the community.
8. The planning application allows for the inclusion of an A4 use as part of the new development, which is welcomed. The application does not necessarily suggest that the new provision will be equivalent to existing provision in terms of offer and floorspace. However, some comments from objectors suggest that the existing public house does not effectively serve as a community asset, with the current owner having allowed the building to become run down and a place attended by drug users. If this is the case, the new public house use will offer an opportunity to re-establish a more functional community asset, even if the floorspace will be reduced. To offer a greater degree of control over the community use of the A4 use, a Section 106 obligation will ensure and allow the Council to monitor that community functions and facilities are being provided as part of this use.

#### *Residential*

9. Finally, policy CP2 of the Core Strategy seeks to increase the supply of housing, and Alperton is expected to make a significant contribution to this. The site allocation anticipates 441 units as the capacity up until 2016 although does not indicate anticipation of any continued growth into 2017 and beyond. Although the specifics of the design, the quality of the accommodation and the impact on neighbours is discussed below, the principle of increasing the 2016 anticipated growth by 92 units is considered acceptable. The designation of the Alperton Housing Zone suggests a greater emphasis on housing than was the case when the site allocation was originally designated. Therefore, this is considered acceptable and would contribute to meeting the housing needs of the borough.

#### ***Design, conservation and heritage***

10. Design is an important consideration, and buildings need to be high quality. This is promoted by policy 7.6 of the London Plan, CP6 and CP8 of the Core Strategy. Policy 7.7 of the London Plan is specific to tall buildings. It lists criteria which tall buildings should accord with, and this includes being located (inter alia) in town centres that have good access to public transport, have the highest architectural standards, have ground floor activities, and make a significant contribution to local regeneration.
11. The site is not within a conservation area and does not contain listed buildings. The nearest conservation area is over 1km away. The existing buildings on the northern side of the site are not considered to be of any great merit and their demolition is supported. The Plough Public House (253 Ealing Road) has been identified as a candidate for local listing, but the most recent local list has not been approved and this building was noted to have not been so significant that it should be retained at all costs, given the wider

regenerative benefit potential of the site. Nonetheless, the heritage value of the public house is a material consideration, and the Council's heritage officer has therefore required a condition to be attached to the consent seeking the submission of a recording report for the Plough, completed to Historic England level 3 standards.

12. The proposal is for two 10 storey buildings, which is equivalent to and, in some cases, slightly smaller than the seven residential blocks present to the immediate east and north. The building to the south (currently under construction) will also be 9 storeys at its highest – the southern third of Block B drops to 9 storeys and therefore matches with this context. The proposal is therefore considered to be a comfortable addition in terms of general massing, given its surrounding context on the east side of Ealing Road.
13. The buildings have been designed to follow the established front building line of development to the north and south. As the main road slopes down so too does the proposed building thereby generating a transition in between nos.243 and 255. There is a clear intention to generate a rhythm along the street and along the elevations of the proposed buildings. Landscaped areas are also proposed at the front immediately abutting the footway.
14. The buildings' bulk and massing is broken down through the creation of different volumes on the 9<sup>th</sup>/10<sup>th</sup> floors, with the massing being most broken up on the southern side of the site. The southern third of Block B terminates at a set in 9<sup>th</sup> storey, whilst the middle third of the building has a set in 10<sup>th</sup> storey. Additionally, the southern third of Block A has a set in 10<sup>th</sup> storey. The second key element in establishing articulation is the repetition and variety of balconies. Centrally within the elevations, balconies project beyond the building shell, whilst on the corners they are inset within the building shell. The inset corner balconies are open on both sides which helps to soften the visual massing of the building.
15. The materiality of the building is broken down into three contrasting aspects which have their own distinct modules along the elevations. Brick (a light yellow colour) forms the primary building element, whilst Tectiva cladding (terracotta colour) forms the more prominent boxes that project from the brick walls. Finally, a striking dark zinc metal cladding is used to draw attention to the lightweight elements at the extremities of the buildings (i.e. balcony edges, infill panels to glazing and the setback walls on the top floors).
16. The residents' entrances are identified by two modest, but clearly defined glazed entrances along the Ealing Road frontages, close to the centre separation between the blocks. The proposed landscaping in front of the buildings helps to differentiate between and direct the flow of people and cars. The top floors are designed to be understood as a continuous garden to be enjoyed by the residents. Children's play areas are located on them. Maximisation of views, space and energy efficiency are other considerations addressed through the design process.
17. The building, whilst tall in Brent terms, would not be especially visually prominent when seen from a distance, since it is of a slightly smaller massing than its neighbours, Cosgrove and Braunstone Houses to the north and east respectively. It will also be of an equivalent massing to the consented proposal to the south. As such, the building is unlikely to be visible from high ground to the north and east, and whilst it is likely to be visible from high ground to the west and south (e.g. One Tree Hill and Horsenden Hill), it will not appear to notably alter the established skyline of this part of Alperton.
18. The Ealing Road frontage is where the public house at the foot of Block A would be apparent, boosting the building's visual prominence and providing an active frontage which planning policy seeks. The presence of the car park entrance at the ground floor of Block B reduces frontage activity in this part of the development, although this part of the site is not located at a prominent junction and would sit more comfortably without an activated frontage, even if this is not ideal and has been raised as a concern by the GLA. Nonetheless, it is not clear how the building could reasonably be reconfigured to remove the need for a car park here and it is noted that a substantial amount of glazing is proposed at the ground floor level of Block B, allowing light into the car park and revealing some of the activities within. This would combine with the landscaping to create a positive environment. The landscaping would improve the public realm footway along Ealing Road. This is encouraged by policy 7.5 of the London Plan, but should not be seen as amenity space. The frontage glazing (across both blocks) is double height, which can help to increase the perception of activity within and further enhance the streetscene. The height (as expressed through lack of broken down built form) is focussed on the junction with Glacier Way, which is wide and open thus allowing for a building of this height and bulk in this location.

19. To the rear of the development there is a very small gap between the rear building lines and the boundary of the site, which is contrary to the guidance within SPG17. The purpose of this guidance is to ensure that the development of one site does not prejudice the development of another. Given the size and shape of the land parcel, to strictly impose this restriction would render much of the site undevelopable. Furthermore, the site's location, surrounded by highways means that notable separation between plots of land, buffered by public spaces, are already established.

20. Overall, the building's design and appearance is considered acceptable. It would be a substantial building but the focus of it on the main road junction, and the light materials are considered to mitigate the height.

***Quality of the resulting residential accommodation (including housing density and mix)***

21. Policy 3.5 of the London Plan seeks high quality residential units. Based on a PTAL of 4 and 5, the density matrix within the London Plan suggests that 200-700 habitable rooms per hectare is appropriate. However, the development would have a density of 1,997 habitable rooms per hectare and an average of 2.5 habitable rooms per unit (minimum of 2.7 recommended) and an average of 800 units per hectare (maximum of 260 recommended). It is noted that these high figures are partly reached by virtue of the small size of the plot of land (just 1157sqm, or 11.57% of a hectare). Whilst much of this land will be developed, it is noted that a substantial amenity space offer is proposed across balconies and rooftops, which on a practical level, will help to mitigate the density of the development proposed.

22. The GLA consider this to be appropriate, noting the high design and residential quality, and the changing nature of the location with other density schemes having been approved nearby. The GLA consider this to have been successful, although some objections suggest not. Nevertheless, being near to a station and bus routes it is considered a location where density can be increased. Concerns are raised however in terms of inclusive design, whereby 90% of the rooms should meet building regulations M4(2) requirements and 10% of rooms should meet building regulations requirement M4(3), designed to be wheelchair accessible, or easily adaptable for such users. It is not considered that the design and access statement or plans have demonstrated this and a condition will therefore be required requiring the submission of further information to demonstrate compliance with these aspects. The Design and Access statement should also demonstrate how disable people can access each of the entrances safely, including details of levels, widths and surface materials of the paths and seating arrangements. This will again be required by condition.

23. The units themselves are considered to be high quality. The approach to creating two buildings results in a high proportion of dual aspect units as well as far fewer units per core, resulting in better familiarity and cohesion between residents. There would be secure entrances in locations which are overlooked so as to maintain security, and in turn would overlook public areas in a more positive way than the existing buildings do. It is noted that there are no more than 8 units per core per floor, which accords with the Mayor's guidance. The units generally accord with the minimum room sizes within the London Plan, are logically laid out and would have good outlook. There are some single aspect units, but these are considered to have been minimised, with none of the single aspect units having sole north facing outlook.

24. An assessment has been provided which assessed the levels of daylight and sunlight that each flat would receive. The assessment considered daylight exposure, sunlight exposure and overshadowing for the proposed dwellings that are going to experience the least light – these generally being those on the lower floors to the rear of the building. It was confirmed that the proposed development will achieve satisfactory daylight, sunlight and overshadowing levels, with all worst affected habitable rooms meeting BRE guidelines. Therefore, there is no objection made to the internal daylight and sunlight.

25. Private balconies are a feature of the development, and are provided for all flats, generally of about 6sqm-8sqm in size. Some flats have two balconies. Three separate communal roof gardens are provided, which provides 530sqm of shared amenity space on the roof of Block B and 207sqm of shared amenity space of Block A. The overall quantum of amenity space equates to 14.77sqm per flat within Block A and 15.74sqm per flat within Block B. Brent's SPG17 guidance would generally seek 20sqm per flat. Considering the high density of the scheme and its urban surrounds, it is considered that the overall amenity space offer is acceptable. 162sqm of the rooftop space will comprise child play space. Given the affordable housing offer, it is likely that this would represent a lesser provision than the Mayor's target, in accordance with the child yield standards of the GLA. However, it is noted that there are two parks (Alperton Sports Ground and Abbey Estate Open Space) within approx. 800m of the development site which could supplement the playspace for children of 12+ years. The remaining rooftop play spaces are substantial and would likely provide a generous play offer for younger children, particularly in view of the development's density.

26. The mix of units is:

	NUMBERS				Total	PERCENTAGE				Total
	Studio	1 bed	2 bed	3 bed		Studio	1 bed	2 bed	3 bed	
	7	45	25	15	92	8%	49%	27%	16%	100%

27. Only 16% of the units would be family sized, with the others being studios and 1 and 2 bedrooms. Policy CP2 seeks 25% to be family sized units (with 3 bedrooms or more). The Alperton Masterplan however contains a different mix which this development more closely aligns with:

	PERCENTAGE			
	1	2	3	Total
<b>Affordable rent</b>	15%	45%	40%	100%
<b>Intermediate</b>	45%	45%	10%	100%
<b>Private</b>	45%	45%	10%	100%

28. This only seeks 10% of intermediate units and family sized units as family sized, with 40% for affordable rent. The mix is closer to this than the borough wide target. It is clearly not identical, but there is recognition that this is a dense development and so lends itself more to smaller units, and the GLA has identified this. Therefore, this is considered acceptable.

29. A separate assessment into air quality has been submitted, reflecting that the site is within an Air Quality Management Area. The Environmental Health Officer agrees with the methodology of the report and most of the conclusions. A dispute is raised in terms of the proposed emission standard for NO<sub>x</sub> boilers. Nonetheless, a condition can be applied requiring the applicant to submit revised details of domestic boilers, demonstrating that emission of oxides of Nitrogen will not exceed 30 mg/kWh. Another condition is recommended to ensure that other mitigation measures within the report and adhered to.

30. An emerging development at 253a Ealing Road (17/1104) which is currently being considered by the LPA is proposed to sit within 3-4m of the eastern elevation of Block B, across the two south-easternmost flats in this block, over the first, second and third floors. If planning permission were granted there would be no windows facing Block B of the proposed development, however the potential presence of this building in such close proximity to the proposal results in the obstruction of outlook from six proposed flats (two from each ground, first and second floors). Since the receipt of this application, revised plans have seen the window placement of these flats change, with the three flats in the south-eastern corner having their outlook altered to face towards the south and the neighbouring single aspect flats having their bedroom windows changed in angle to allow outlook across the north as well as the east. The windows serving the open plan living spaces within the single aspect neighbouring flats are too far north to face the flank wall of the neighbouring proposal and as such will not experience a loss of outlook.

31. Overall, the quality of the accommodation is considered to be high. The units would be well laid out with good outlook, and would not be subjected to unacceptable environmental impacts with the conditions which are suggested by Environmental Health.

**Affordable housing, tenure and viability assessment**

32. London Plan Policy 3.12 requires boroughs seek the maximum reasonable amount of affordable housing when negotiating on private and mixed use developments, having regard to a number of factors, including development viability. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes delivered in the borough should be affordable. Brent's DMP15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing. It also notes that 70% of new affordable housing provision should be social/affordable rented housing and 30% should be intermediate housing in order to meet local housing needs in Brent.

33. The proposals for this scheme initially included 21 affordable residential units, representing 22.8% affordable housing by unit. 12 affordable rent and 9 intermediate housing units were proposed, representing a tenure ratio of 57:43 – falling significantly short of the 70:30 split sought within Brent Policy

DMP15. The GLA stressed the importance of continued interrogation of the affordable housing offer and that the maximum reasonable amount needs to be provided.

34. The applicant submitted a Financial Viability Assessment (FVA) undertaken by Douglas Birt Consulting. The Council appointed BNP Paribas to independently assess this FVA. Following a protracted negotiation over the course of eleven months, it was finally agreed between Brent Council (in consultation with BNP Paribas) and the applicant on 28/07/2017 that the scheme can reasonably deliver 24 affordable residential units, representing 26.1% affordable housing by unit. 17 affordable rent and 7 intermediate housing units are now proposed, representing a tenure ratio of 71:29, which is accurately in line with the 70:30 tenure split sought within Brent Policy DMP15. A projected £6,000 development surplus is also to be secured by the Council for the provision and enablement of offsite affordable housing, which will be required within a Section 106 agreement. As is typical with major developments in Brent, the Section 106 agreement will also secure a post-implementation review mechanism, in the interests of securing further contributions towards affordable housing within Brent, if the actual development surplus is higher than that projected.
35. Officers take the view that the affordable housing proposals on the scheme should be supported. Whilst falling significantly short of the 50% target, the Council is satisfied, as clarified through consultation with BNP Paribas, that the maximum reasonable provision of affordable housing has been achieved in the proposal. The tenure split provided is also directly in line with policy requirements. The proposal therefore satisfies the requirements of policy DMP15 in respect of its affordable housing offer.

### ***Neighbouring amenity***

36. The impact on neighbours is also a significant consideration, and policy DMP1 seeks to ensure that this is acceptable. The buildings to the north, east and south are residential in nature and as such will need to have the impact of this development considered.
37. The daylight, sunlight and overshadowing analysis indicates that there will not be a significant impact on surrounding properties arising from the proposed development at Ealing Road.
38. A total of 589 windows from buildings surrounding the site were highlighted as being in close proximity to, and facing the proposed development. Daylighting levels for potentially affected windows of surrounding developments by the proposed development were found to be acceptable.
39. The criteria to consider are whether the resulting levels of daylight are less than 27%, and if not whether the level remains above 80% of the existing level. In summary, 195 windows passed the 25 degree line test; 66 windows achieved a VSC of greater than 27%; 153 windows achieved relative VSCs over 80% of their former value; 31 of the remaining windows achieved VSCs levels over 20%. The remaining windows (144 (or 24%)) fall short of reaching the corresponding BRE recommended daylight values. Vertical Sky Component (VSC) is a measure of daylight.
40. It should be noted that although the numerical values stated in the BRE guide provide useful guidance, they should be considered in their local context. High density urban areas, for example, may often experience greater site constraints when compared to low-rise suburban areas, and thus some detrimental impact can be unavoidable.
41. A total of 421 windows from buildings surrounding the site were highlighted as facing the development and within 90 degrees of due south. These windows belong to properties included within this assessment. It must be noted that the BRE guidance for sunlight access is applicable to living rooms only. However, the analysis includes all south facing windows.
42. The analysis indicated that 344 (~82%) of the tested windows, within 90° due south, satisfy the BRE criteria for sunlight. It must be noted that the windows that do not meet the criteria are located below balconies and that the relative reduction in sunlight access is heightened by the significant difference between the height of the existing buildings and the proposed development which is designed to meet the height of nearby buildings.
43. Therefore, overall the impact of the proposal on daylight and sunlight is considered acceptable. There are instances where reductions would be felt (and they would be noticeable in some cases). However, the overall number of discrepancies is considered to be relatively minor considering the scale of the development.
44. Privacy and overlooking can occur where windows or amenity areas are introduced within 20m of existing

windows to habitable rooms. The buildings proposed do not achieve 20m separation with surrounding buildings in all cases; however the development has been designed to prevent overlooking in situations where suitable separations between buildings cannot be met. Most notably, Block A has been designed to restrict outlook for residents to the east, where, in places, this building comes to within 15m of the existing Braunston House.

45. On the northern elevation of Block A, the slanted nature of the building means that the block comes to within 19.95m of Cosgrove House (on the east side) and to within 18.5m of Cosgrove House (on the west side). Windows have been inserted only where at least a 19m separation between the block to the north can be achieved. Given the density and scale of the development and surroundings, the 1m shortfall in window separation is not considered to be unreasonable.
46. The southern elevation of Block B comes within 9m of the approved (but not yet built) 9 storey block at 255 Ealing Road (14/2276). However, the northern elevation of this scheme does not have any habitable room windows and as such there will be no loss of privacy to residents within this block once built.
47. An emerging development at 253a Ealing Road (17/1104) which is currently being considered by the LPA is proposed to sit within 3-4m of the eastern elevation of Block B, across the two south-easternmost flats in this block, over the first, second and third floors. There are no windows facing Block B of the proposed development, and very small rear yards are proposed at the back, which would not function as useable amenity spaces warranting protection from overlooking. As such, it is not considered that the emerging proposal for the development to the east at 253a Ealing Road raises amenity impact concerns in respect of this development.

### ***Highways and transportation***

48. It is important to ensure that any development has an appropriate impact on the highways network. Policy 6.3 of the London Plan requires that this is considered. The site has a PTAL of 4.
49. The scale of this proposal is such that it could have a significant impact on the local transport network. As such, a Transport Assessment has been prepared by EAS Transport Planning and submitted with the application.
50. The former bank and public house on the site would between them be permitted up to four off-street parking spaces and with little or no parking space provided, standards are currently broadly met. The public house requires deliveries by 10m rigid lorries and has an off-street service yard accessed from Ealing Road to satisfy this requirement. The bank requires deliveries by 8m rigid vehicles, but does not benefit from any off-street servicing space.
51. Car parking allowances for the proposed uses within the site are set out in the Development Management Policies. As the site is not located within a CPZ, the full residential allowance applies, even though public transport access to the site is good.
52. As such, up to 105.6 car parking spaces would be permitted for the 92 flats, with a further space permitted for the proposed public house/community centre, giving a total allowance of 106 spaces.
53. The proposed provision of just 10 disabled car parking spaces would therefore accord with standards, whilst meeting the London Plan lifetime home standards of one disabled space per 10 flats. Four of these spaces should be provided with electric vehicle charging points (two active and two passive) as a condition of any approval and this has been acknowledged in the Transport Assessment.
54. However, where the full residential parking standard is not met within any development, Policy requires the impact of overspill parking on parking conditions and traffic flow to be assessed. This does allow on-street parking to be counted towards standards, but only along local access roads that are not heavily parked and have sufficient width to safely accommodate on-street parking.
55. This development fronts a main London distributor road with waiting restrictions along the site frontage, so does not benefit from any safe kerbside parking. Hatton Road to the rear is not adopted as public highway, so is also unavailable for the use of residents.
56. In general, it is estimated that developments will generate car ownership at 75% of the maximum allowance (50% in the case of the 12 proposed affordable social rented housing units (6 x 1-bed, 4 x 2-bed & 2 x 3-bed) and on this basis, the proposed flats are estimated to generate demand for 76 spaces, giving a predicted overspill of up to 66 cars from the site.



57. To verify whether this is a realistic estimate for this area, car ownership data for flats at nearby Peppermint Heights and Grand Union Heights was examined from the 2011 Census. The results indicate average car ownership levels of about 0.76 cars/household for the relevant output areas, suggesting that the above figures are reasonably accurate. (n.b. the submitted Transport Statement gives a lower figure for car ownership for flats in the area of 0.54 cars/flat, but this is based upon a wider area extending further to the southwest, so is not as locally specific).
58. The site currently lies outside of any Controlled Parking Zone and residents that own cars would therefore be likely to overspill onto streets further afield (e.g. Bridgewater Road, Burnside Crescent, Carlyon Road), as these streets are not covered by CPZ's.
59. However, given the amount of development that has already been approved and is proposed in future in this growth area (most of which has low levels of parking), extensions to CPZs are increasingly likely to be required to address overspill parking issues. Consultation recently undertaken with local residents on a new CPZ in residential streets around Carlyon Road and Burns Road showed the majority of residents not to be in favour of the scheme though.
60. Any CPZ extension to address overspill parking from this and other nearby developments should therefore include funding to subsidise the cost to existing residents of parking permits, as the reason for the CPZ would be to address a parking problem that has been imposed upon them. A sum of £500 per flat is therefore sought towards this, which in combination with other development funding should be sufficient to be able to offer local residents a free average priced permit for a period of five years. This would amount to £46,000 in this case, with a further sum of £14,000 sought towards public consultation and physical implementation of the CPZ, thus giving a total of £60,000. This will need to be secured through a S106 agreement, as subsidies for permits cannot be funded through CIL payments.
61. The development should then also be subject to a suitable legal agreement or condition designating it as 'car (permit) free', with the right of future residents to on-street parking permits in any future CPZ withdrawn.
62. Planning policy requires at least one secure bicycle parking space per flat and the proposed provision of 149 double-height spaces within a secure storeroom at basement level is more than sufficient to satisfy this requirement. However, the location of the spaces in the basement makes them difficult to access and although lifts to the basement are proposed, they are too small to accommodate all types of bicycle. It is therefore recommended that the lifts be enlarged to provide internal dimensions of 1.2m x 2.3m – failing this, the bicycle stores would need to be relocated to ground floor level.
63. Further publicly accessible spaces are also required for the commercial unit and for visitors to the flats and at least two 'Sheffield' stands should be provided within the landscaped area to the front of the building as a condition of any approval.
64. With regard to servicing, the proposed public house will require servicing by 10m rigid vehicles, whilst the flats will require servicing by large refuse vehicles and other white goods delivery vehicles. To this end, rigid delivery and refuse collection vehicles are proposed to be accommodated within the car parking area, which would mean access to some of the disabled parking spaces would be temporarily obstructed. However, this does at least provide an off-street servicing facility, which is vitally important given the location of the site adjacent to a major signalised junction. Tracking has been provided to show that large refuse vehicles can access and turn within the site and adequate 4.4m headroom is provided above the loading area.
65. Overall residential refuse storage capacity is shown for 18 x 1,100 litre Eurobins and 6 x 240 litre wheeled bins, which is sufficient to meet standards. However, the trolleying distance between the loading bay and the store for Building A is in excess of 40m. It is therefore proposed that bins are moved from Building A to an identified location alongside the main refuse store on collection days. To assist this, it is recommended that an access door be added from the footpath bisecting the site into the main lift lobby of Building B in order to reduce bin carrying distances, whilst also helping to reduce trolleying distances for the commercial unit.
66. Given the shared use of the small loading area, a Delivery & Servicing Management Plan (DSMP) will also be required to set out measures such as pre-booking of deliveries to ensure the area remains able to cater for all delivery demands and that loading is not forced to take place from the adjoining highway instead. This has been acknowledged in the Transport Statement, along with a brief outline of content.

Submission and approval of a final DSMP should be secured by condition.

67. The small car park will be accessed via a new 5.5m wide drive with 4m kerb radii onto Ealing Road, which will allow two cars to pass one another in comfort. The submitted tracking drawings demonstrate that the access will also cater for refuse vehicles turning left into and out of the site without needing to overrun the northwestbound traffic lanes on Ealing Road.
68. The location of the access is not ideal, being onto a wide carriageway between closely located signalised junctions to the north and the south. However, the small size of the car park and service area means traffic movements would be minimal and there have historically been accesses along this length of the road to serve the former public house, which will need to be closed up. Given that the site has no other means of access to a publicly adopted highway, provision of this access can be accepted in this case, with sightlines being fine. However, any gates that are provided must be sited at least 10m from the future highway boundary.
69. The locations of the pedestrian entrance cores to the flats all front Ealing Road, as does the commercial unit entrance, which is welcomed, allowing fire access requirements to be met from the main frontage. The drawing also shows resurfacing of the public footways fronting the site in modular paving, with five planting beds added along the Ealing Road footway. Resurfacing of the footway in paving slabs is welcomed, including the removal of the redundant areas of footway crossover. However, the inclusion of planting beds would be a maintenance burden and should be left as hardsurfacing, with trees added within tree pits. All footway works will be subject to a S278 Agreement under the Highways Act 1980 and adoption of increased footway width along the frontage is also sought through a S38 Agreement.
70. To gauge likely impacts on local transport networks, surveys from two car-free private housing developments in inner London have been examined in order to produce estimated trip rates to and from this site. This exercise results in estimated residential person trips totalling 7 arrivals/36 departures in the morning peak hour (8-9am) and 27 arrivals/12 departures in the afternoon peak hour (6-7pm).
71. The modal shares for these trips suggest that just 14 arrivals/14 departures would be made by car across the course of the day (7am-7pm); none of which would be made in the morning or evening peak hours. As this development is not entirely car-free, there would be likely to be slightly more car traffic to and from the site than this exercise suggests, but not enough to have a significant impact on the local highway network.
72. A similar exercise has also been undertaken for the commercial floorspace, but based on the assumption it would be used as a doctor's surgery rather than a public house, which would be likely to generate more activity in the evening peak hour. Nevertheless, the absence of on-site parking again means that vehicular trips are likely to be insignificant.
73. All of the above is contingent upon CPZ controls being introduced in the surrounding area to regulate overspill parking though and the financial contributions to assist this are again important.
74. With regard to public transport impact, the development is estimated to generate 5 arrivals/17 departures in the morning peak hour (8-9am) and 19 arrivals/0 departures in the evening peak hour (5-6pm) by bus and rail. Given the large number of public transport services passing close to the site, these trips represent less than one additional passenger per service passing close to the site in each peak hour and on this basis, the impact on public transport services is accepted as being minimal.
75. For other modes, the quality of pedestrian and cycle routes in the vicinity of the site has been assessed through a PERS/CERS audit, examining routes to four key destinations in the area (Alpertons & Hangar Lane Underground stations, Sainsbury's supermarket and Perivale Primary School). Although the four routes, comprising nine links, six crossing points and four bus stops, were all rated as being of good quality overall, a number of minor shortcomings were identified, particularly with regard to kerb heights at bus stops, lack of directional signage and lack of dropped kerbs and tactile paving at certain crossing points.
76. With the footway fronting the site to be repaved and widened anyway through a S38/S278 Agreement, it is suggested that CIL funding be used to rectify shortcomings further from the site (although it is noted that some of these are within the London Borough of Ealing). The scale of the proposal is such that it exceeds the threshold above which a Residential Travel Plan is required. To this end, a Residential Travel Plan dated August 2016 has been included as an appendix to the Transport Assessment.

77. This sets out a range of measures, including the provision of information on walking, cycling and public transport through a Welcome Pack, noticeboards and social media, promotion of sustainable travel amongst residents including cycle training and/or £30 cycle vouchers, encouraging a reduced need to travel through home shopping/homeworking and promotion of local Car Clubs through one year's free membership. These measures are to be overseen by a Travel Plan Co-ordinator and monitored annually over a five-year period, with the primary aim that the modal share of journeys by car occupants (drivers and passengers) should fall from 12% to 10%.
78. The content of the Residential Travel Plan has been assessed using TfL's ATTrBuTE software programme and has scored a PASS mark. The only relatively minor comments are that car parking management on- and off-site should be addressed, including notification of the permit-free status of the development if a CPZ is introduced in the area, and that two year's free membership of a Car Club is the norm for this scale of development.
79. Road accident statistics for the area have been examined for the five year period 2010-2014. This identified a total of 28 personal injury accidents along the stretch of Ealing Road between its signalised junctions with Bridgewater Road and with Carlyon Road, of which four were serious.
80. Full accident listings have not been included in the Transport Assessment, but the summary provided by the consultant states that six accidents involved pedestrians, three involved cyclists and four involved motorcyclists. The vast majority of the accidents occurred at the three junctions within the study area (Bridgewater Road, Glacier Way and Carlyon Road), but aside from accidents involving right-turning buses into Glacier Way, there were no particular recurring patterns and no particular concerns that would be likely to be exacerbated by this development.
81. It has been confirmed that a Construction Logistics Plan will be submitted prior to works commencing and a condition is recommended to this end to ensure construction activity does not have a negative impact on the adjoining road network.
82. Finally, a financial contribution of at least £200,000 is sought towards sustainable transport improvements. A key measure within the area that funding can be used towards is the re-planning of the Alperton Underground station forecourt and bus stops. This sum can be taken from the overall Community Infrastructure Levy.

***Trees, landscaping and public realm***

83. There are no trees which are subject to a Tree Preservation Order which would be affected by the proposal. The proposal would result in the loss of 3 trees and the applicant has submitted an Arboricultural Impact Assessment. The 3 trees for removal have been classified as either grade C or U in accordance with BS5837 (of low amenity value); they are to be removed as these specimens could not be effectively retained, due to their position in relation to the proposed structures. The report indicates that it is proposed to provide some trees as part of the ground floor landscaping, which would mitigate the loss of the existing trees.
84. As noted above there are examples of landscaping within the development: there would be communal amenity and playspace areas, and external hard and soft landscaping around the entrances to the commercial units and the A4 unit, fronting Ealing Road. It is important that this is high quality and conditions would be required to ensure that the details achieve this, and so accord with policy 7.21 of the London Plan.
85. Brent's tree protection officer considers the overall proposed plans for street landscaping to be insufficient. It is requested that the applicants carry out a survey of underground services to ensure that trees will be able to be planted in the street as shown. Also, given the proposal to have grass strips beneath the trees, questions are raised over whether this will be within the applicant's land ownership. Further details of tree species and sizes proposed along with tree pit design details are also requested. A condition will require that details pursuant to the above matters will be provided.

***Environmental impact, sustainability and energy***

86. Chapter 5 of the London Plan includes policies requiring that developments are constructed to minimise their carbon emissions. This is based on the energy hierarchy: 'Be lean', 'Be clean', 'Be green'. This can be summarised as firstly reducing the carbon within the building's structure so that less energy is used. Secondly, considering whether there are methods to increase energy efficiency, and this is done through Combined Heat and Power (CHP) and connection to District Wide Heating Networks (DWHN). Finally, renewable energy should be incorporated into the design of the building.

87. The applicant has submitted an Energy / Sustainability Statement which has been reviewed by the Council's sustainability officer. The overall development is expected to exceed the energy requirements, in that the building will achieve a 36.5% improvement of Part L of the Building Regulations 2013, greater than the 35% required by London Plan policy.
88. At the 'be lean' stage, the applicants propose efficient lighting and high performance glazing which will achieve a 1% reduction in carbon emissions. The GLA have requested that further consideration of scope for efficiency savings at this stage are considered, and this can be required by condition.
89. With 'be clean' the applicants have used the London heat map to indicate that there are no current or proposed district heat networks nearby. Nonetheless, the use of CHP is proposed, which is expected to reduce carbon emissions by 25.1%. Plans have been provided for operation of the CHP in summer and winter, although there are concerns as to whether suitable plans are in place should the CHP fail to operate sufficiently, particularly considering that the CHP use represents a significant reduction in carbon emissions. The GLA has additionally requested that the projected running costs of the CHP system is provided too. A condition will require such details to be submitted.
90. At the 'be green' stage, the applicants have reviewed a number of different renewable options and have opted for the use of PV panels and air source heat pumps, which are projected to collectively reduce carbon emissions by 12.4%. A detailed roof plan has been provided for the PV panels, which are to cover 140sqm of the roof. The PV panel coverage appears to have been reasonably maximised.
91. The application was made prior to the adoption of the London Plan requirement for developers to pay a carbon offset contribution when developments cannot achieve carbon neutral operation. As such, the development will not be required to pay a carbon offset contribution as it achieves the target 35% carbon emissions reduction on Part L of the Building Regulations 2013.
92. The GLA also reviewed the sustainability information and have requested some further information. Whilst the applicant has referred to the London Heat map, the GLA have identified this area as a 'district heating opportunity area', and it has been requested that the applicant demonstrates that the current situation of the opportunity area is explored in more depth to consider more thoroughly establishing a connection to an existing heat network. This information can be required by condition.
93. The applicant is strongly encouraged to introduce a site heat network, linking all apartments and non-domestic uses within the heat network. Further details should be submitted that either demonstrates acceptable details of a site heat network to be implemented into the scheme, or to demonstrate why a site heat network is not viable for implementation. This information can be required by condition.
94. It has been requested that the applicant confirms the plant efficiencies used when modelling the carbon savings are based on the gross fuel input for gas rather than the net values often provided by manufacturers. This can be required by condition, and the condition can also require that projected carbon savings are updated for the LPA's review in line with the gross fuel inputs for gas, if these are not the figures upon which the current projections are based.

#### ***Assessment of Flood Risk and Drainage***

95. The submitted report notes the proposed measures which can be incorporated into the development to mitigate the identified risks. The report states that as the site is located within Flood Zone 1 and is therefore considered to be at a low risk from flood risk.
96. The Flood Risk Strategy and Flood Risk Assessment Report has been assessed by Brent's Local Lead Flood Authority. It is considered that the report meets Brent's requirements and that the applicants have followed national policies and guidelines.
97. The site is less than half a hectare in size and existing area is impermeable. It appears that surface water from the existing site discharges to foul sewer in Ealing Road at a rate of 20 l/s.
98. The surface water discharge from the proposed development will be separated and connected to the surface water drainage network in Ealing Road. The applicants have considered various SuDS options but due to the soil condition, the options are very limited. The proposed development will have a green roof and an attenuation tank in the basement. Proposed surface water discharge will be restricted to 1.7 l/s and this is considerably less than existing. At present, there are no historical records of flooding and with the site being in Flood Zone 1, the flood risk is very low. A condition will require that the development

is implemented in accordance with the submitted SUDS report.

99. The Local Lead Flood Authority understands that Thames Water has confirmed that they have adequate capacity in the foul sewer network for the new 92 units.
100. Thames Water do not have any objections to the proposal, although have requested that informatives are provided that remind the applicant of their obligations in respect of surface water drainage, protection to the property and minimisation of groundwater discharge.

#### ***Environmental Health***

101. The measures as laid out in the submitted Noise Impact Assessment are considered to be acceptable to the Council's Environmental Health Officer, subject to amendment to confirm Lmax levels. A condition has been recommended to ensure that the mitigation measures have been implemented. A condition will also be attached to ensure plant noise is limited in the interests of neighbour amenity. A further condition will ensure that suitable sound insulation measures are implemented.
102. The proposed layout of the building will have commercial units and car park below flats. These mixed uses between floors could result in noise disturbance to residents within the flats of the first floor if the sound insulation between the floors is not adequate. The Environmental Health Officers have recommended that a condition is attached to ensure that Building Regulations Approved Document E 'Resistance to the passage of sound' is met and implemented in full. However, this would duplicate a control that is within the Building Regulations and it is therefore not necessary to include this within a planning condition.
103. The proposed demolition of the existing building and construction of the new building will be carried out within close proximity to existing residential premises. Therefore without appropriate controls noise and dust emissions could cause disturbance to local residents and also dust emissions may adversely impact on local air quality. It is therefore considered necessary to require the submission and approval of a construction method statement through condition.
104. The proposed site has been used for previous industrial uses. These previous uses could have affected the condition of the land that is being developed. It is therefore recommended that conditions requiring details of a site investigation to be submitted and (if necessary) the submission of details of remediation and verification are provided in the event of contamination being likely.

#### ***Community Infrastructure Levy / Planning obligations***

105. The GLA and the Brent Council have Community Infrastructure Levies (CIL) in place, which the development would be liable for. The GLA is a flat rate of £35 per sqm of floorspace. The Brent CIL has different amounts for different uses, including £200 per sqm for residential floorspace, and £40 for retail, restaurant/café, and office. However, social rented housing is not liable.
106. The purpose of CIL is to ensure that developers contribute proportionately to the upgrading of facilities where they create the need. The levy could ensure that impact on local services is mitigated.
107. A number of planning obligations have been referred to above. In addition, the applicant would pay the Council's legal and other professional fees in preparing and completing the section 106 agreement, and monitoring and enforcing its performance. The applicant would also join and adhere to the Considerate Contractors scheme, and there is a link to the *demolition and construction* section above.

#### ***Archaeological Impact***

108. The applicant has submitted an archaeological assessment. This has demonstrated that this is not within a site of archaeological importance. Overall, the conclusion is that the proposal would not impact on any archaeological features (whether statutory or non-statutory).

#### ***Conclusion***

109. The site is allocated for a mixed use development, and is an important part of the Alperton Growth Area given its prominent location. The proposal would result in the loss of an existing public house of some heritage value, but subject to mitigation through the re-provision of a new public house (as proposed), further mitigation to ensure use of the new public house as a community facility as monitored through a Section 106 agreement and the wider regenerative benefits of the scheme, this is considered to be a justified loss. The site allocation envisages a residential led scheme. The resulting mixed use development, incorporating a substantial amount of residential floorspace alongside a public house use is considered acceptable.

110. The building would be substantial, but ultimately comparable to its surroundings and emerging context in terms of height and massing. It is therefore not considered that the townscape and visual impacts would be detrimental. It is considered that the development is typical of the changing context within Alperton and that this would form part of the wider regeneration and tall building cluster so far established. The specific materials will be crucial to its success, but a condition can require details of this.
111. The Council is satisfied that the maximum reasonable amount of affordable housing is to be delivered at a tenure split which fits with the identified needs of Brent residents. A post-implementation review will ensure that further affordable housing will be delivered or enabled offsite if an unexpected development surplus is achieved.
112. The residential accommodation proposed would be high quality, with the units being well sized with good outlook and amenity space (private and communal). There would be impacts on neighbours, including the loss of light to some windows, although this is considered to be acceptably limited given the scale and density of the proposal and the surrounding context.
113. Following on from this, there would be an impact on the highway and transportation. The creation of a CPZ and the removal of residents' ability to obtain parking permits is crucial to ensuring the impact of a development of this size being acceptable. There are some highways improvements which would make a positive impact.
114. The applicant has demonstrated that, with the imposition of conditions and section 106 obligations, the proposal accords with policies on environmental sustainability, and would have an acceptable impact on existing trees, ecology, and flood risk. Contaminated land will need to be considered, also subject to conditions.
115. Overall, it is concluded that the development is acceptable, and that if there is a resolution to grant planning permission that it be sent to the GLA for their stage 2 consideration and response.

## CIL DETAILS

This application is liable to pay **£2,223,704.47\*** 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): 832 sq. m.

Total amount of floorspace on completion (G): 8331 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	8180	0	7363.08006 241748	£200.00	£35.15	£1,880,215.09	£330,447.80
Drinking establishments (2004)	151	0	135.919937 582523	£40.00	£35.15	£6,941.63	£6,099.95

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)	286	
<b>Total chargeable amount</b>	<b>£1,887,156.72</b>	<b>£336,547.75</b>

\*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.**



DECISION NOTICE – APPROVAL

Application No: 16/3606

To: Mr Jenkins  
SF Planning Limited  
12 Royal Crescent  
Cheltenham  
GL50 3DA

I refer to your application dated 16/08/2016 proposing the following:  
Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (7 x studios, 45 x 1 bed, 26 x 2 bed and 14 x 3 bed units), ground floor commercial use within Use class A4 (drinking establishment) or Use class D1 (community centre) with associated basement for car and cycle parking spaces and storage, vehicular crossover, bin stores, amenity space, landscaping and associated works  
and accompanied by plans or documents listed here:  
Refer to condition 2.  
at 245-249 and 253 Ealing Road, Wembley, HA0 1EX

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: 31/07/2017

Signature:

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

**Alice Lester**  
Head of Planning, Transport and Licensing

**Notes**

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

DnStdG



## SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2012  
London Plan 2015  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Council's Supplementary Planning Guidance 5 2002  
Council's Supplementary Planning Guidance 17 2001

- 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):

BBA 669.P.01 SITE LOCATION PLAN  
BBA 669.P.02 EXISTING SITE PLAN  
BBA 669.P.03 EXISTING STREET SCENE  
BBA 669.P.04 PROPOSED SITE PLAN  
BBA 669.P.05A PROPOSED BASEMENT  
BBA 669.P.06B PROPOSED GROUND FLOOR PLAN  
BBA 669.P.07C PROPOSED 1ST FLOOR PLAN  
BBA 669.P.08C PROPOSED 2ND FLOOR PLAN  
BBA 669.P.09C PROPOSED 3RD FLOOR PLAN  
BBA 669.P.10C PROPOSED 4TH FLOOR PLAN  
BBA 669.P.11A PROPOSED 5TH FLOOR PLAN  
BBA 669.P.12A PROPOSED 6TH FLOOR PLAN  
BBA 669.P.13A PROPOSED 7TH FLOOR PLAN  
BBA 669.P.14A PROPOSED 8TH FLOOR PLAN  
BBA 669.P.15A PROPOSED 9TH FLOOR PLAN  
BBA 669.P.16 PROPOSED 10TH FLOOR PLAN  
BBA 669.P.18 PROPOSED STREET SCENE  
BBA 669.P.19A PROPOSED FRONT ELEVATION  
BBA 669.P.20C PROPOSED REAR ELEVATION  
BBA 669.P.19 PROPOSED FRONT ELEVATION  
BBA 669.P.21 PROPOSED SIDE ELEVATIONS  
BBA 669.P.22A PROPOSED SIDE ELEVATIONS  
BBA 669.P.23 PROPOSED CROSS SECTION  
BBA 669.P.24 PROPOSED LONGITUDINAL SECTION

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

- 3 The windows on the approved plans identified with the annotation stating 'obscure glass' shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To protect the privacy of neighbours in accordance with Policy DMP1.

- 4 The car parking spaces, refuse storage, cycle storage, private and communal amenity spaces identified on the approved plans shall be laid out and made available prior to the occupation of any part of the development hereby approved. The spaces / storage shall be retained as such for the lifetime of the Development.

Reason: To ensure that the impact of the development on the highways network is appropriate and that the development is fit for purpose.

- 5 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

- 6 No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- 7 The development hereby approved shall be carried out in full accordance with the details stipulated in the Flood Risk Assessment and SUDS Statement dated August 2016, as complied by EAS.

Reason: To ensure that the development appropriately mitigates flood and surface water runoff risk.

- 8 The development hereby approved shall be carried out in full accordance with the details stipulated in the Noise Impact Assessment (KP Acoustics Report 14485.NIA.01 dated 10<sup>th</sup> November 2016).

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1

- 9 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Air Quality Impact Assessment (AMEC Foster Wheeler air quality assessment dated August 2016).

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

- 10 Prior to the first occupation of any part of the development the measures outlined to achieve a carbon saving of 36.5% above the baseline of Part L of the building regulations 2013 shall be installed and operational, and remain as such for the lifetime of the development.

Reason: To ensure a sustainable development

- 11 A communal television aerial and satellite dish system shall be provided for each block, linking to all residential units unless otherwise agreed in writing by the local planning authority.

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

- 12 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 13 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 work is commenced (excluding demolition, site clearance and the laying of foundations). The work shall be carried out in accordance with the approved details.

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

- 14 Prior to commencement of the development, a recording report shall be submitted to and approved in writing by the Local Planning Authority. The recording report shall detail the heritage assets and value of the Plough public house and shall be completed to Historic England Level 3 standard.

Reason: To ensure that the heritage value of the building is recorded, given that it has been identified as a potential heritage asset.

- 15 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), further details of how the development will be built so that 90% of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 10% of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8

- 16 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), further details of disabled access arrangements shall be submitted to and approved in writing by the local planning authority. The details shall include indications of levels, widths, surface materials of paths and seating arrangements that will aid and enable disabled access to the building. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8

- 17 Prior to the commencement of the use the applicant shall submit details of domestic boilers to the Local Planning Authority. The details shall demonstrate that for all domestic boilers installed, rated emissions of Oxides of Nitrogen (NO<sub>x</sub>) do not exceed 30 mg/kWh. The Local Planning Authority shall approve the details in writing prior to commencement of the building's use.

Reason: To protect local air quality, in accordance with Brent Policy DMP1

- 18 Prior to first occupation of the development hereby approved, electric vehicle charging points shall be provided and made available for use within at least 20% of the approved car parking spaces within the site, and maintained as such thereafter. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy 6.13.

- 19 Prior to first occupation of the development hereby approved, revised details showing the lifts to the basement with increased internal dimensions (achieving a minimum of 1.2m x 2.3m), shall be submitted to and approved in writing by the Local Planning Authority. Alternatively, revised details showing all cycle storage being relocated to ground floor level in an acceptable arrangement, shall be submitted to and approved in writing by the Local Planning Authority. Following approval of one of the abovementioned revised sets of plans, the development shall be carried out in accordance with the approved details.

Reason: To ensure that bicycle storage is practically accessible for residents.

- 20 Prior to first occupation of the development hereby approved, additional details showing the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Two publically accessible bicycle stands
- Setting back of any entrance gates to the car park by at least 10m from the highway boundary
- Provision of an access door from the main lift lobby of Block B to the footpath in between the two blocks.

Following approval of the above details, the development shall be carried out in accordance with these approved details.

Reason: To ensure the development is fit for purpose from a transport and highways perspective.

- 21 Prior to occupation of the commercial unit hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall subsequently be implemented in full and maintained as such thereafter.

Reason: To ensure the development can be appropriately serviced without detrimental impact on the highway.

- 22 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall subsequently be implemented in full and

maintained as such for the full length of the construction period.

Reason: To ensure the development is sensitive to its surroundings and does not give rise to unduly detrimental external impacts.

- 23 Within 6 months of the commencement of development, details of the hard and soft landscaping of the areas identified within the drawings hereby approved, including the roof terraces and child play spaces, shall be submitted to and approved in writing by the Local Planning Authority.

The details shall specify species, densities and heights of plants proposed together with hard landscaping materials and other landscaping features. They shall also include full details of children's play equipment.

The children's play equipment shall be installed prior to the occupation of any of the residential units hereby approved, and maintained thereafter. The landscaping (hard and soft) shall be provided within the first available planting season. Any planting that is part of the approved scheme that within the lifetime of the development 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 position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To preserve the amenities of nearby residents and to prevent privacy being compromised

- 24 Prior to occupation of the development hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority:

- Further details of the proposed trees to be planted, indicating tree species, size and tree pit design details.
- A survey of underground services demonstrating that the proposed trees will be able to be planted in the street as shown, shall be submitted to and approved in writing by the Local Planning Authority. If it is found that the trees cannot be planted as shown on the approved plans, an alternative tree planting plan of similar provision, shown to be viable through an underground survey, shall be submitted to and approved in writing by the Local Planning Authority.

The approved trees shall be planted in the first available planting season following occupation of the development.

Any trees that are part of the approved scheme that within the lifetime of the development 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 position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To preserve and enhance the amenity of the street.

- 25 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), a report summarising additional considerations of viable means of further of reducing the development's carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.

The report shall consider means of using less energy within the development, as required by the 'be lean' criterion set out in Policy 5.2 of the London Plan. The report shall demonstrate that additional measures have been considered and if applicable, identify any additional energy

saving measures that are viable for implementation.

Following approval of the details, the additional energy saving measures identified shall be implemented prior to occupation of the development.

Reason: To ensure the development has maximised its carbon savings, in accordance with London Plan Policy 5.2.

- 26 Prior to the implementation of the CHP system, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of suitable plans for procedures in the event that the CHP system fails to operate sufficiently

Reason: To ensure the CHP will be reliable, particularly in view of its significant contribution to carbon emissions.

- 27 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), a report demonstrating that the current situation of the local heat district opportunity area is explored in more depth to consider more thoroughly whether a connection can be made to an existing heat network. If it is concluded that such a connection can be made, then this connection shall be functionally implemented prior to occupation of the development.

Reason: To ensure the building maximises its environmental sustainability, as required by London Plan Policy 5.2.

- 28 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), a report demonstrating acceptable details of a site heat network to be implemented into the development, or a report demonstrating why a site heat network is not viable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

If the approved details are of an acceptable site heat network for implementation, the site heat network shall be functionally implemented prior to occupation of the development.

Reason: To ensure the building maximises its environmental sustainability, as required by London Plan Policy 5.2.

- 29 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), details confirming whether the plant efficiencies used when modelling the submitted carbon savings are based on the gross fuel input for gas or the net values provided by a manufacturer shall be submitted to and approved in writing by the Local Planning Authority. If the submitted details confirm that the plant efficiencies are not based on gross fuel inputs for gas then a revised projected carbon savings shall also be submitted to and approved in writing, achieving the maximum possible carbon savings in line with the requirements of London Plan Policy 5.2.

Reason: To ensure the building maximises its environmental sustainability, as required by London Plan Policy 5.2.

- 30 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1

- 31 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority for approval.

The insulation shall be designed so that noise from the ground floor commercial uses does not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats within close proximity to the commercial uses. The approved insulation measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 32 Prior to the commencement of the development (excluding demolition, site clearance and the laying of foundations), a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

- 33 Prior to the commencement of the development (excluding demolition, site clearance) 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 and approved in writing by 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.

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

- 34 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 (excluding demolition, site clearance), 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

- 35 Details of any external lighting, including details of the fixtures and luminance levels, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting and the lighting shall thereafter be installed in accordance with the approved details.

Reason: In the interest of the amenity of adjoining occupiers and the safety of pedestrians and

vehicles using the parking and communal areas within the development and on the local highway network.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The following guidance notes are for the information of the applicant from Thames Water:
  - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
  - Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
  - We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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 [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."
- 3 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at [Mark.O'Brien@brent.gov.uk](mailto:Mark.O'Brien@brent.gov.uk), and include photographs showing the condition of highway along the site boundaries.
- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).



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

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