



## Planning Committee

**Wednesday 15 November 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

Davidson and Shaw

**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 interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting		1 - 10
<b>PART 1- APPLICATIONS FOR DECISION</b>		
3. 245-249 and 253 Ealing Road, Wembley, HA0 1EX (Ref 16/3606)	Alperton	15 - 68
4. 80, 82 & 84 Harrowdene Road (Ref. 17/3318)	Sudbury	69 - 88
5. 1-7,9,11 & 11A Elm Road (Ref. 17/3188)	Wembley Central	89 - 116
6. Cottrell House, 53-63 Wembley Hill Road, Wembley, HA9 8DL (Ref. 17/0387)	Tokington	117 - 138
7. 60 Neasden Lane, London NW10 2UW (Ref.17/2477)	Dudden Hill	139 - 162
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.		

**Date of the next meeting:            Wednesday 13 December 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 18 October 2017 at 7.00 pm

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

ALSO PRESENT: Councillors Chan, Collier, Hector and Kelcher

Apologies for absence were received from Councillors Daly and Hylton.

#### 1. Declarations of interests

None.

Approaches

##### 3. Manor Park Works

All members received emails and briefing notes from the applicant and an objector.

##### 4 Heron House, Wembley Hill Road

All members received briefing notes from the applicant.

##### 8. 97-101 Willesden Lane NW6 7SD

All members received an email from a local resident.

#### 2. Manor Park Works, Manor Park Road, London, NW10 4JJ (Ref. 17/2331)

PROPOSAL: Redevelopment of industrial site to residential to form a total of 45 units comprising: change of use of the existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 24 units (2 x studios, 8 x 1bed, 10 x 2bed and 4 x 3bed maisonettes) and an extension above the existing building with alterations to form 7 storeys; and erection of an 8 storey residential building plus a basement level, accommodating 21 units (3x studios, 14 x 2bed and 1 x 2bed and 3 x 3 bed maisonettes) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building (amended plans, fire safety information and description updated 12/09/2017).

#### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out in the report.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated in the report.

That the Head of Planning be granted 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 be granted 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 the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Harlesden Conservation Area(s) as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

That, if by 13/12/2017 the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse planning permission.

Damian Manhertz (Area Planning Manager) introduced the report, outlined the material planning considerations of the proposal and answered members' questions. Members heard that the principle of development being on a site with Site Specific Allocation, the density of the development, its design, appearance, standard of accommodation and impact on living conditions of neighbours were all acceptable. He added that the affordable housing being provided had been tested against viability and assessed by the council's independent consultant with a pre-completion review mechanism detailed in the Section 106 legal agreement. He continued that subject to conditions, the proposal would provide acceptable landscaping. Members were advised that in respect of highways and access, the proposal was acceptable on balance, having regard to the existing access which could be brought back into more intensive use without further planning permission. The Area Planning Manager then referenced the supplementary report which set out additional concerns from residents and Councillors Chan and Kelcher and officers' responses to them.

Ian Britton (Chair, Rucklidge Avenue Residents' Association) in objection, raised the following issues in respect of the proposed development;

- (i) Due to its height, the development would result in overshadowing to neighbouring properties and the playing fields of the local school.
- (ii) Conflict with policies SPD 17, BE2 and BE9
- (iii) Detrimental impact on the amenities of surrounding buildings.
- (iv) The proposed development would be overbearing and out of character.
- (v) The daylight and sunlight reports were flawed

Ann Rabbitt (objector) echoing similar sentiments added that the proposal would result in increased traffic flow and congestion within a strategic bus route where she understood several vehicle accidents had occurred. She continued that the cumulative impact of the above would pose a serious safety problems for pedestrians.

On behalf of the ward members (Councillors Chan and Kelcher), Councillor Hector addressed the Committee. Councillor Hector stated that the proposal for 45 dwelling units would constitute an over-development of the site which the Site Specific Allocation allowed 30 units. She continued that the site, which was near a bus stop and a dangerous junction at Park Parade, had witnessed about 16 vehicular accidents per annum and was a known traffic hotspot. In addition, the narrowness of the access to the site would be a danger to turning vehicles and emergency vehicles. Councillor Hector also added that local infrastructural facilities would not be able to cope a large influx of residents at the new development.

Dave Carroll (applicant's agent) in responding to the issues raised by the objectors stated that the proposed development had been extensively discussed with officers who considered it acceptable in terms of its design and height. He refuted the suggestion of overshadowing adding that the nearby school had not raised any such concerns. He continued that adequate fire safety measures would be put in place, adding that in the last 5 years, only 42 traffic accidents had occurred none of which related to the design of the road layout. He made reference to the amenity space provisions and the affordable housing which the Council had secured under the S106 legal agreement with a pre-completion review mechanism.

In the ensuing discussions, members raised concerns about the application on issues ranging from height, density, amenity, daylight and sunlight, overshadowing, access arrangements and servicing, affordable housing provision to limited number of family units.

Members were informed that no overshadowing to neighbouring properties including the nearby school would result and that the level of daylight/sunlight would comply with BRE standards. Officers added that the Council had no policy on overlooking to its schools. The Area Planning Manager continued that the principle of development had been tested and considered acceptable as were the access arrangements, amenity and garden space provisions.

Members then voted to refuse the application (which was declared lost) contrary to officers' recommendation for the following stated reasons:

DECISION: Refused planning permission for the following stated reasons;

- Excessive height;
  - Excessive density
  - Insufficient family sized accommodation;
  - Overdevelopment;
  - Unacceptable impact on neighbouring amenity and character of the area;
- and

- Access too narrow restricting pedestrian movement and giving rise to safety concerns.

Voting was recorded as follows:

FOR Councillor Moher	(1)
AGAINST: Councillors Maurice and Choudhary	(2)
ABSTENTION: Councillors Agha, Ahmed, Colacicco and W Mitchell Murray	(4)

**3. Heron House 109-115 Wembley Hill Road, Wembley, HA9 8DA (Ref. 16/4156)**

PROPOSAL: Demolition of the existing office building (Heron House) and the construction of a new four to seven storey mixed use building comprising 829sqm of commercial office space on the ground floor (Use class B1a), 40 self-contained flats (23 x 1bed, 7 x 2bed and 10 x 3bed) on the upper floors, a basement level for car and cycle parking, bin stores and associated landscaping and amenity space. (Amended description 21.09.17)

RECOMMENDATION:

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

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

That the Head of Planning be granted 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 be granted 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 after 3 months starting from the committee date the legal agreement has not been completed, the Head of Planning be granted 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.

David Glover (Area Planning Manager) introduced the report and with reference to the supplementary report, drew members' attention to condition 14, relating to the approval and implementation of a parking management and allocation scheme, which was omitted from the draft decision notice. He also recommended an



additional condition requiring the provision of a communal television (TV) aerial and satellite dish system.

DECISION: Granted planning permission as recommended with an additional condition requiring the provision of a communal TV aerial and satellite dish system.

(Voting for approval was unanimous: For 7; Against 0)

#### **4. Roe Green Hall, Princes Avenue, London, NW9 9JL (Ref. 17/1577)**

PROPOSAL: Single storey front extension and associated landscaping to provide a community cafe with outdoor seating and play area along with accessible toilet to existing place of worship, and change of use of the meeting rooms and kitchen from residential to form part of the existing place of worship (Use class D1)

RECOMMENDATION: That the Committee resolve to GRANT planning permission and to grant delegated authority the Head of Planning 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.

David Glover (Area Planning Manager) introduced the scheme and answered members' questions. He summed up the following key issues for Members' consideration; the principle of development and appropriateness of the café use in this location; the visual appearance of the development and its effect on the nearby conservation area; the amenity impact of the development on the surrounding highway network, in terms of parking capacity and ease of traffic movement and any other environmental health concerns. He advised that Members would need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

Mohanbhai Patel (objector) raised concerns in respect of inadequate parking provision, danger and access problems for emergency vehicles in an area which had 2 schools sited close to the site. He added that the proposal would result in overlooking and loss of privacy which would be caused by people using the seating outside the café. The views expressed were echoed by another local resident.

DECISION: Granted planning permission as recommended.

**5. 29 Stadium Business Centre, North End Road, Wembley, HA9 0AT (Ref. 16/5144)**

PROPOSAL: Change of use from storage and distribution (Use class B8) to car servicing with MOT testing (Use class Sui Generis)

RECOMMENDATION: That the Committee GRANT planning permission.

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.

David Glover (Area Planning Manager) introduced the report and answered members' questions. He advised that the key issues for members to consider were as follows; the principle of use, impacts on public highways and impacts on environmental health.

Vinu Patel and Bharat Dave (objectors) in addressing the Committee highlighted their concerns on traffic congestion, obstruction to access for emergency vehicles due to the tight constraints of the site. In their view, the operation of the site for vehicle MOT would exacerbate the current traffic situation and urged members to either refuse the application or to visit the site to assess the impacts.

David Pearson (supporter) and Jorge Noble (applicant's agent) in addressing Committee stated that although there were occasional problems with parking, they were not significant as to cause congestion to the flow of traffic.

David Glover advised members that the principle of development of the site as an MOT garage was acceptable and that there would be no significant impact on parking and access arrangements.

A member expressed concerns about possible spray painting at the site as part of the MOT garage business and sought advice on a possible imposition of an additional condition to prevent spray painting. The Area Planning Manager advised that spray painting would be a material change of use for which the applicant would be required to submit a fresh planning permission for approval.

Following this, Members requested an informative to be added advising the applicant to avoid spray painting at the site.

DECISION: Granted planning permission as recommended with an additional informative advising the applicant to avoid spray painting at the site.  
(Voting for approval was unanimous: For 7; Against 0).

**6. Knowles House and Ananci Hostel, 51 & 53 Longstone Avenue, London, NW10 3UN (Ref. 17/2516)**

PROPOSAL: Demolition of existing buildings on site and redevelopment of the site to provide a six storey block providing 92 self-contained units (69 x 2bed and 23 x 3bed) providing temporary accommodation (Use class Sui Generis) to include a community use (Use class D1) on the ground floor, and a 4 storey block with basement level to provide 57 units (57 x 1bed) providing new accommodation for independent living (Use class C2) with associated communal facilities and staff accommodation within both the blocks and provision for car, cycle, scooter parking, bin stores, landscaping and amenity space.

RECOMMENDATION: That the Head of Planning be granted 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.

Barry Henn (Principal Planning Officer) introduced the report and answered members' questions. He informed members that there was no objection in principle to the demolition of the existing buildings and their replacement with two purpose built buildings for Temporary Accommodation and New Accommodation for Independent Living (NAIL) to meet known local needs and improve facilities for residents. The proposal would be 100% affordable with nomination rights secured by LB Brent with an existing D1 use re-provided as part of the development.

He continued that the character, appearance, standard of accommodation, parking and servicing arrangements were considered acceptable as was the relationship between the proposed development and the surrounding properties. He then referenced the supplementary report and added an additional condition requiring the submission for approval of a Management Plan.

Councillor Collier in addressing the Committee requested that as the temporary accommodation would house vulnerable persons, no sex offenders be housed at the facility.

Barry Henn initially suggested that some control over who occupies the units would remain with the Council through the use of nomination rights. Rachel Murrell (Head of Development Management) advised that they could not impose such a condition because it would not meet the necessary tests for planning conditions.

DECISION: Granted planning permission as recommended with the additional condition for the submission for approval of a Management Plan for the operation of the temporary accommodation as set out in the supplementary report.  
(Voting for approval was unanimous: (For 7 ; Against 0)

**7. 97-101 Willesden Lane, Kilburn, London, NW6 7SD (Ref. 17/2540)**

PROPOSAL: Change of use of the function room within the public house (Use Class A4) to a kitchen and chip shop takeaway (Use Class A5), internal alterations and refurbishment works, new kitchen ventilation/extraction system, alterations to the existing decking area to the front of the building and formation of a new door opening to the rear of the building (description amended 30/06/2017).

RECOMMENDATION: That the Head of Planning be granted 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.

That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Queen's Park Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Damian Manhertz (Area Planning Manager) introduced the report and set out the key issues of the application; the principle and impact of the change of use and the impact upon the character and appearance and answered members' questions. He informed members that due to underutilisation of the existing function room, the proposed takeaway would regenerate the space. He continued that with conditions imposed limiting the impact of the new plant, as set out in the main report and on opening hours as set out in the supplementary report, the change of use would be considered acceptable.

Members heard that as the proposed changes would not be readily visible and would preserve the character and appearance of the site and surrounding area, there would be no detrimental impact upon the character and appearance. It was added that any significant issues with customers creating noise or anti-social behaviour would be classed as a statutory nuisance and would be addressed through separate legislation.

Stephen Smith objected to the takeaway element of the application adding that it would impact adversely on the living conditions of local residents through increased litter and increased anti-social behaviour and also violate the 4 main licensing objectives (the prevention of crime and disorder, public safety, prevention

of public nuisance, and. the protection of children from harm). He continued that the proposed change of use would give rise to traffic and parking issues in the neighbourhood.

Richard Foster (applicant) clarified that the fish and chips aspect was ancillary to the pub and with regular litter patrol and signage advising clients to use the litter bins provided instead of throwing litter, there would be no adverse impact from the proposed change of use.

The Area Planning Manager advised members that the additional impact would not be significant as to warrant refusal, drawing attention to the imposition of conditions on extractor ventilation and hours of operation of the takeaway from 08.00 hours to 23.00 hours.

DECISION: Granted planning permission as recommended and additional condition on the hours of operation of the takeaway chip shop from 08.00 hours to 23.00 hours.

(Voting on the application was as follows: For 6; Against 1)

#### **8. Garage next to 21 Spezia Road (Ref. 17/3480)**

PROPOSAL: Demolition of an existing garage and construction of a two-storey semi-detached dwellinghouse and basement with associated lightwell, 2No.rooflights to the front, waste storage and boundary wall

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

DECISION: Granted planning permission as recommended.

(Voting for approval was unanimous: For 7; Against 0)

#### **9. Any Other Urgent Business**

None.

The meeting closed at 9.02 pm

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

15 November, 2017  
03  
16/3606

## SITE INFORMATION

RECEIVED	16 August, 2016
WARD	Alperton
PLANNING AREA	Brent Connects Wembley
LOCATION	245-249 and 253 Ealing Road, Wembley, HA0 1EX
PROPOSAL	Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (10 x studios, 42 x 1 bed, 25 x 2 bed and 15 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 (Revised plans submitted changing the floorplans and elevations of Block B and Daylight/Sunlight Report addendum)
APPLICANT	Mr HKDD Properties Ltd
CONTACT	SF Planning Limited
PLAN NO'S	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_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>

## **INTRODUCTION**

### **Introduction**

1. This application was initially considered by Members at the Planning Committee on Wednesday 9 August 2017. At this Planning Committee meeting, Members resolved to grant planning permission, subject to conditions, a Section 106 agreement and Stage 2 referral to the Greater London Authority (GLA).
2. Following this, and before the application was referred to the GLA or the final decision notice issued, it was brought to the attention of officers that one letter of objection had not been fully discussed within the committee report. It was also found that there were some inaccuracies within the report relating to the description of the relationship between the proposed development and the adjoining commercial/development site, 253a Harrow Road. As such, it was considered necessary to report the application to the Committee again so that Members can consider the points raised in the objection and a fresh decision be made.
3. The objection in question raised concerns regarding 253a Ealing Road, which is a neighbouring narrow land parcel which is currently the subject of a separate planning application which was submitted on the 10 March 2017 (LPA reference: 17/1104) for the demolition of the existing buildings on site and the erection of four two storey terraced houses (4x2 beds) and two 4 storey residential blocks providing a total of 20 residential units (10 x 2bed and 10 x 3bed units). For information, this application was submitted to the Council after the letter of objection from the site owner was received by the Council.
4. In order to respond to the concerns raised within this objection, the applicant has commissioned a further daylight and sunlight assessment that quantifies the impact on this adjoining site, in the context of the development proposed under application 17/1104. Revisions were also made to the internal layout (and some corresponding changes to the external facade) which are discussed in this letter. Re-consultation was undertaken so that surrounding occupiers could consider and comment on the proposed revisions. Further responses are discussed below.

### **Daylight and Sunlight assessment of the adjoining site development site at 253a Ealing Road**

5. The submitted report examines the potential impact on this adjoining development site, No. 253a Ealing Road. There are no sensitive buildings on that site at present. However, an application has been submitted to redevelop that site and as such, the potential impact on that scheme has been assessed. Whilst this assists the evaluation of the relationship with the adjoining development site, it does not warrant the same level of protection as existing homes as it is a new proposal for which consent has not been granted yet. It shows that all of the 71 habitable room windows tested passed BRE criteria for daylight and sunlight exposure. 48 of the windows had a modelled vertical sky component that was at least 80% of its current value, which means that these windows are unlikely to experience any material losses of daylight. Of the remaining 23 windows, 3 belong to dual aspect rooms where other sources of light will lessen the impact of daylight losses and 4 of them meet the BRE target of 2.0 in terms of their average daylight factor. The remaining 16 windows could be subject to some reduction in daylight, nonetheless the study confirms that all of these remaining windows meet the BRE target VSC of 13%, which is likely to result in a reduction of daylight within reasonable limits.
6. The scheme will not affect the sunlight received by windows within the proposed development of No. 253a due to the relative location of the two proposed developments.
7. The overshadowing results show that the amenity spaces of the proposed development at 253a Ealing Road will be overshadowed from 8:00 – 13:00 during the day (March 21<sup>st</sup>) irrespective of whether the 253 Ealing Road development is present. This clearly reflects the pre-existing limitations of the urban environment within which the development is proposed. The addition of the 253 Ealing Road development will result in some additional overshadowing of some amenity spaces during the afternoon and especially during the evening. Nonetheless, it is highlighted that this development does not yet exist

and does not warrant the same consideration of protection as existing accommodation.

8. Overall, all of the windows of the adjoining proposed development at 253a Ealing Road meet BRE criteria in respect of their impact by the proposed development at 253 Ealing Road. Further information, as well as details on specific windows being affected is available within the full report, which is on the Council's website. The impact is considered to be acceptable, particularly in view of the density of the surrounding urban environment.

#### **Potential impact on the adjoining site at 253a Ealing Road in respect of privacy and revisions to the proposal**

9. The impacts of the development on 253a Ealing Road were discussed within the previous committee report and considered acceptable. However, that report did not fully evaluate the potential impact on the roof top amenity spaces within the development proposed within that adjoining site. It should be noted that the scheme at No. 253a has not been approved yet, and it also proposes amenity spaces and development in very close proximity to the site boundaries. Nevertheless, the Council seeks to ensure that developments do not unreasonably prejudice the development potential of adjoining development sites.

10. To address this, the applicant has since submitted drawings to address the privacy relationship between the proposed development and that proposed within No. 253a. The revised drawings have reoriented the east facing windows and terraces of the three south-eastern most flats on each floor of Block B so that they splay away to prevent direct visibility towards 253a Ealing Road. In addition privacy screens on the eastern edges of the balconies and obscure glazing along part of the reoriented windows will assure that no direct overlooking with the adjoining site is possible. The reoriented sight lines now provide views across to the southwestern corner of Braunston House across Hatton Road. The closest opening to the edge of Braunston House is about 19m from the edge of Braunston House, and the views will be provided at a highly oblique angles, thus preventing direct lines of sight into the windows of Braunston House.

11. The amended plans have sufficiently addresses the privacy shortcomings in respect of the proximity to 253a Ealing Road.

#### **Daylight and Sunlight assessment of the internal accommodation within the proposed buildings**

12. The applicant has also submitted an updated internal daylight and sunlight assessment to consider any changes to internal quality following alteration to the plans. The report has examined 11 dwellings that were considered to be the worst-case units in terms of daylight access across the scheme were tested, these were on the ground floor, with all dwellings on higher floors highly likely to achieve better daylight. Sunlight assessment was carried out for 7 dwellings that were worse affected, those with at least one main window facing 90 degrees of due south. Finally, overshadowing studies were carried out for 7 amenity spaces on the ground floor (those likely to be most overshadowed).
13. The results confirm that in all cases the internal accommodation would meet BRE guidance. This is welcomed and further reinforces the benefit of the accommodation proposed.

#### **Re-consultation and comments**

14. As discussed above, following the receipt of revised drawings, re-consultation was carried out as follows:
  - 472 properties were sent new consultation letters on 25/09/2017

- A further site notice was erected on 05/10/2017
- A further press notice was published on 05/10/2017

15. The new round of consultation included the following information to clarify the purpose of the re-consultation:

**“PLEASE NOTE: This is a revised letter. Please note revised plans have been submitted changing the floor plans and elevations of Block B and Daylight/Sunlight Report addendum. This letter supersedes previous letter sent.”**

16. Following consultation, an additional 34 comments have been received, all in objection to the revised proposal. 13 of these comments are from neighbours and representees who did not formally respond to the original round of consultation, whilst 21 were from neighbours who had previously objected during the original round of consultation. Overall, during the course of the application, objections have been received from 55 separate neighbours and representees.

17. The grounds of objection within the second consultation responses generally reiterated the grounds of objection that were raised previously; new grounds that were raised are summarised and responded to below.

Ground of objection	Officer response
Proposed building is 9-10 storeys and in close proximity to southern and eastern boundaries, it does not meet the minimum 10 metre distances set out in SPG17 and incorporates windows facing a private land;	This is discussed in detail within the previous report, and also within the header for this report. See paragraphs 30 and 47 of the main committee report.  Paragraph 30 considers how the 253a Ealing Road proposal would affect the internal standard of living of the subject proposal at 253 Ealing Road and paragraph 47 considers how the subject proposal at 253 Ealing Road would affect the visual amenity of the proposed accommodation at 253a Ealing Road.
Windows and balconies cause overlooking of the future development at 253a Ealing Road, in particular the roof terraces to this property.	This is discussed previously within the Header to this report.
Daylight and Sunlight assessment does not consider the impact on the future development of this site;	This is discussed previously within the Header to this report.
No assessment of overshadowing carried out;	This is discussed previously within the Header to this report.
The development represents an overdevelopment of the site including under provision of amenity space;	The development is appropriate and similarly reproduces the surrounding scale and density of development established within 243 Ealing Road. Amenity space provision appears to be reasonably maximised and is considered to be a good provision given the density of the scheme, which is unusual in terms of the wider borough, but not for the locality.
The materiality of the building is not complementary to the existing neighbouring buildings;	The character of the building is different from its neighbouring context within 243 Ealing Road, however a simplistic modern design is achieved in both cases and the massing and bulk of the buildings are very similar. It is not considered that the differences in materiality would detract from the overall character established amongst these tall residential buildings.
The proposal results in a lack of permeability;	The site would retain permeability similar to that of the current site, with pedestrian access between and around the blocks being possible.
The proposal results in an inactive frontage on the rear elevation, adjacent to 253a	The road to the rear (Hatton Road) does not provide through access and mainly only serves the

<p>Ealing Road and on the elevations between blocks A and B;</p>	<p>developments at 243 Ealing Road. Footfall is likely to be low.</p>
<p>The proposal would compromise the future development of the neighbouring site.</p>	<p>The neighbouring site (253a Ealing Road) is very constrained in terms of its width. Nonetheless, the two development proposals (16/3606 and 17/1104) are considered to work successfully in terms of their relationship between boundaries, as measured within SPG17 and as demonstrated by the daylight /sunlight assessment.</p>
<p>There are highways safety concerns in terms of access and egress to and from the site.</p>	<p>The highways arrangement has been closely considered by Brent's highways team and is discussed within the Highways Considerations section of the main committee report.</p>
<p>The changes to the application have made no attempt to address any of the issues for neighbouring residents</p>	<p>As discussed in the committee report, your officers consider that the development is acceptable in terms of its impact on neighbouring residents with the exception of its close proximity and relationship to the neighbouring land parcel of 253a Ealing Road. Amendments have now resolved this issue.</p>
<p>The obscure glass is poor design for living spaces.</p>	<p>The windows and balconies have been designed and oriented and the locations for any obscured glazing selected to ensure an adequate level of outlook will be provided for future residents.</p>
<p>The committee report had a circular and unfounded argument that numerous breaches of planning policy are expected in development of this scale.</p>	<p>Individual proposals must be considered on their specific merits having regard to policy and guidance. The proposal is considered to accord with relevant planning policies. Where a proposal does not entirely accord either adopted planning guidance or non-planning guidance (e.g. BRE Daylight and Sunlight guidance, which is not adopted but is commonly treated as "best practice" guidance across the UK), consideration must be given as to whether the proposal accords with adopted policy. This often involves the extent of harm associated with any non-compliance with guidance, and the benefits associated with a scheme. Where this is the case, it has been discussed within the committee report.</p>
<p>A newly added opening of the pub onto Hatton Road causes safety concerns in terms of crime and antisocial behaviour. Additional noise could be experienced.</p> <p>It requires the practical use of land owned by 243 Ealing Road and is not an appropriate secondary access.</p>	<p>The additional access is in response to comments made by the GLA regarding safety. The concerns of neighbours are acknowledged and the applicant has agreed to a condition to require the rear access to only be used in the event of a fire.</p> <p>An additional condition is recommending to require that the pubs entrance and exit doors are all equipped with automatic closing mechanisms and that there are maintained throughout the lifetime of the development. This will reasonably minimise any noise disturbance that could be experienced.</p>
<p>The development relies on the passageway between blocks which is owned by 243 Ealing Road, to wheel bins to the main pavement.</p> <p>There is no easement or right of way to permit this.</p> <p>The passage to access Ealing Road between the blocks will now be used for access to bin rooms for the private development which is undesirable.</p>	<p>There is sufficient room within the ownership of this site (1.1m at the narrowest point) to facilitate wheeling of Eurobins, even if a fence were erected between the boundaries. The largest Eurobins (1100L) are 1205mm x 775mm in size and would easily be wheeled through a 1.1m gap. A condition will be added that requires the applicant to submit details of a refuse management plan confirming how the management of the building will transport bins for collection from within the refuse vehicle stationing area within Block B.</p>
<p>The frosted glass proposed to the bedrooms of the new building has been</p>	<p>There have been no losses in frosted glass proposed windows. Such glazing will remain along the eastern</p>

removed, resulting in a breach of privacy.	elevation of the development and this is clearly shown on the plans (i.e. the windows facing Braunston House).
The report notes that the proposal is smaller in scale to the surrounding buildings, whereas it is proposed to be taller than Cosgrove House.	The original report incorrectly states that “the proposal is of a slightly smaller massing than its neighbours, Cosgrove and Braunston Houses to the north and east respectively”. Nonetheless, the difference in heights between the buildings is marginal, with the streetscene elevations confirming that the building will be very similar in scale to the neighbours at Braunston and Cosgrove houses; being marginally taller than Cosgrove House and marginally shorter than Braunston House.
The vehicle access swept paths are shown to be extremely tight and their proximity to the pedestrian crossing opposite Glacier Way needs to be taken into account.	Brent’s highways officers have reviewed the proposal, inclusive of the swept path tracking, and do not raise any objections to the arrangement.
The space is limited surrounding the development to construct. There is little space available for facilities and services without encroaching significantly on neighbouring public land.	The development is proposed within the application site and whilst the construction of a development within a tight site is more difficult, this cannot be considered within the planning application other than through the consideration of a construction method statement which is recommended to be secured through condition.
What is the purpose of having a cycle store in the basement without direct access from the ground level? This severely limits practical use.	The lift is to be increased in size to facilitate use and access.
The central passage between the blocks does not allow a secondary access and as such the pub cannot be built and this design cannot proceed.	The pub will rely on servicing from the stationing areas within the undercroft of Block B and not require the use of the passageway.
Referring to Hatton Road as a public highway is inaccurate as it is private. This should not be an excuse to reduce privacy standards.	The 20m guidance in SPG17 specifically refers to back-to-back garden distance where privacy would be most strongly desired. Given the more public (although not public in the sense of adoption) context of the road leading into the development, there are logical grounds to take a more balanced view on privacy distances when they are front-to-front windows in terms of character.
Light within the proposed buildings is likely to be insufficient.	The submitted daylight and sunlight assessment confirms light levels will be acceptable.
No assessment of daylight/sunlight has been done for the south side of Braunston House.	The daylight and sunlight assessment does not examine the southern facade of this property. However, given the relative location of this facade and the development, with this facade facing south and the proposed development is situated to the west of the likelihood of the proposal resulting in a significant loss of daylight or sunlight is low.
A full D&S assessment is required for dual aspect to be considered, which has not been done.	Dual aspect accommodation still offers a benefit in planning terms even if this has not been formally quantified in terms of BRE.
Why should the public pay the price for developers overpaying for the land? Meaning profitable routes require less social housing and high density?	The affordable housing offer has been scrutinised thoroughly in consultation with an external institution.  The assessment of affordable housing feasibility was made on the basis of an independently assessed benchmark local land value rather than any consideration of what the developer paid for the land. This ensures that affordable housing has been reasonably maximised.
6 of the units are below the minimum size	As stated in the supplementary report, the units not



required for a dwelling	meeting standard are only 0.6sqm below the standard at most, unlikely to result in a material worsening of living standards below the minimum standards.
Only 16% of units are family sized despite a policy requirement for 25%	Alperton Masterplan has a specific policy requirement of 10% family units, increasing to 40% within affordable rent units. The 16% provision represents a good balance between these thresholds given the largely private tenure of the development. As far as practicable, larger family units are to be sought as affordable rent units within the development to ensure the housing mix maximises policy compliance.
Nearby Alperton tube station is not disabled accessible and has a poor service	Whilst noted, this is not considered to be a suitable reason to prevent new development and is a limitation outside of Brent's control.
No visitor parking is likely to reduce the wellbeing of residents	The site has good public transport accessibility and the provision of low levels of parking (including an absence of visitor parking) is considered to be acceptable in such areas.
No loading bays provided for deliveries or service vehicles will result in illegal parking on private property, controlled zones and on pavements	The loading bay for both blocks is situated within block B.
Nearby cycle lanes and canal towpaths are unsafe	The proposed development does not materially affect the cycle lane or towpath.
There will be significant risk from falling objects where pedestrians walk and cars are parked	The proposed development will not result in a level of risk of falling items that is not apparent within other buildings.
No assessment has been done on local amenities/facilities	The need for local amenities/facilities is identified within Brent Planning Policy and the Alperton Masterplan. CIL contributions from this and other developments may be used to fund the infrastructure.
The site is not in the catchment for any primary schools in Brent	Primary school places within Brent are evaluated by the Council's schools team who look to ensure that there are sufficient spaces to meet demand. Projections for new development set out within Brent Policy together with planning permissions are taken into account when considering this.
The roof garden is subject to high winds, against the London Plan Policy 7.6	The roof gardens will be equipped with screening for safety and to reduce wind, which is commonplace for new developments. Details of the screening is recommended to be required through condition.

### **Further discussion of Daylight and Sunlight impacts on surrounding development**

**18.** The revisions do not materially alter the implications of the proposal on the levels of daylight or sunlight received by surrounding residential units. However, as this matter has been raised by objectors again, this section will briefly expand on the daylight and sunlight impacts as evaluated as a part of the submission and discussed within the previous report.

19. To reiterate, 589 windows were assessed, 195 of which passed the 25 degree plane test set out within BRE guidance and did not therefore require further testing.

20. The Visual Sky Component (VSC) of the other windows was tested. The VSC analysis, in broad terms, identifies how much of the sky is visible at present and how much of the sky would be visible with the new development being present. This is expressed in percentage terms, The tests are taken from the centre of windows tested. The BRE guidance stipulates two benchmarks for VSC: windows whose VSC value remains above 27% (benchmark for good daylight) and, for those which do not achieve this, windows whose VSC value are more than 80% of their former value (the loss of daylight is unlikely to be materially

noticeable). Many windows do not have starting VSCs of at least 27% and as such can only be assessed in terms of the 80% VSC test.

21. Of the 394 windows that do not pass the 25 degree test, 66 of the windows will retain a VSC of greater than 27% and 153 will retain a VSC value at least 80% of the previous.
22. It is suggested within guidance that a reduced standard VSC of 20% can be considered to offer acceptable light levels in dense urban environments with site constraints. Taking this test into account, another 31 windows meet this standard. The 122 remaining windows (20.7% of the total tested) do not meet BRE guidelines.
23. The surrounding buildings which would have at least one window failing BRE standards are:
  - 372 Ealing Road – property to south west – 7 out of 28 tested windows fail BRE test (fails range between 78% of the former VSC value and 54.8% of the former value with an average of 68.8% of the former VSC value)
  - 243 Ealing Road (Cosgrove House) – property to the north – 42 out of 59 tested windows fail BRE test (fails range between 60.7% of the former VSC value and 33% of the former VSC value with an average of 45.2% of the former VSC value)
  - 243 Ealing Road (Braunston House) – property to the northeast - 89 out of 255 tested windows fail BRE test (fails range between 79.6% of the former VSC value and 17.6% of the former VSC value with an average of 55.0% of the former VSC value)
  - 255 Ealing Road (not yet built) - 35 out of 140 tested windows will fail BRE test (fails range between 79.8% of the former VSC value and 32.6% of the former VSC value with an average of 63.1% of the former VSC value)
24. Residential buildings on Carlyon Road to the rear as well as building 5 of 243 Ealing Road were also tested but all windows passed BRE tests.
25. 421 south facing windows were tested nearby for sunlight loss. BRE standards only need to be assessed if the windows do not pass the 25 degree plane test. Since 189 windows passed the 25 degree plane test, 232 windows remain to be tested, 155 of which pass the relevant BRE tests for Probable Sunlight Hours and 77 of which do not pass the tests.
26. Two surrounding buildings are affected in sunlight terms, those being 243 Ealing Road (Cosgrove House) and 243 Ealing Road (Braunston House)
  - 243 Ealing Road (Cosgrove House) – property to the north – 41 out of 59 tested windows fail BRE test (fails range between 4.3% of annual sunlight hours lost and 8.4% of annual sunlight hours lost with an average of 6.9% of annual sunlight hours lost)
  - 243 Ealing Road (Braunston House) – property to the northeast - 37 out of 255 tested windows fail BRE test (fails range between 3.9% of annual sunlight hours lost and 42.6% of annual sunlight hours lost with an average of 15.3% of annual sunlight hours lost). 19 windows will lose more than 10% of their annual sunlight hours, 12 windows will lose more than 15% of their annual sunlight hours, 9 windows will lose more than 28% of their annual sunlight hours, 7 windows will lose more than 30% of their sunlight hours and 2 windows will lose more than 35% of their annual sunlight hours.
27. The proposal does result in a loss of daylight and sunlight beyond BRE guidance levels for a number of windows as discussed above. Given the benefits associated with the development of this site (the provision of a number of new homes in the borough) and the dense urban nature of the subject site and

surrounding sites, the benefit of the proposed development was considered to outweigh the harm associated with the loss of daylight and sunlight and it was and is recommended that planning permission is granted.

### **Recommendation**

**28.** Officer continue to recommend that planning permission is granted for the development subject to the Stage 2 referral to the Mayor of London, the completion of a Section 106 legal agreement and subject to conditions and informatives as set out within the previous committee report, with the following additional / revised conditions.

- Revised condition 2 with amended drawing numbers;
- Additional condition requiring all commercial unit access doors to have automatic closing mechanisms and for these to be retained for the lifetime of the development;
- Additional condition requiring the rear commercial unit access door to operate as a fire escape only and are kept closed except when being used for such purposes;
- Additional condition requiring detailing of the screening of the roof gardens to be approved, in the interests of minimising detrimental effects of wind;
- Additional condition requiring management details of transference of bins to undercroft area to be submitted and approved;
- Alteration to condition 17 to require three publicly accessible cycle stands rather than two;

29. The full previous committee report, including its supplementary section, is included below for reference.

## **RECOMMENDATIONS**

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

### 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 Alperton, 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 (09/2116). 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 Alpertown 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 (Alperton & 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 measures 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.

## Agenda Item 05

### Supplementary Information

**Planning Committee on 9 August, 2017** Case No.

16/3606

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

#### Agenda Page Number: 33-70

#### Clarifications on report information

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

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

#### Accessibility of development

The applicants have already provided information on how the development achieves 10% wheelchair accessible units and these are shown on the latest floorplans although not referred to within the initial committee report. The floorplans show the entrance details for disabled access and typical flat layout for

wheelchair accessible homes also demonstrating compliance with part M4 (2) and part M4 (3) of building regulations. Given this, condition 15 of the draft decision notice will be changed to require compliance with this, rather than a requirement to submit further information to demonstrate such compliance is possible.

### Unit sizes

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

### Changes to conditions relation to sustainability and carbon savings

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

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

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

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

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

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

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

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

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

- In relation to **condition 28**, which requires further consideration of a site heat network, the applicant

has supplied the following information:

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

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

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

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

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

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

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



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

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

Eastern Elevation

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

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

### Southern Elevation

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

### Western Elevation

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

### Northern Elevation

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

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

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

### **Consideration of density**

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

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

space would inevitably reduce the linear density calculation.

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

### **Consideration of daylight and sunlight impacts**

#### Summary of daylight results for surrounding windows

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

#### Summary of sunlight results for surrounding windows

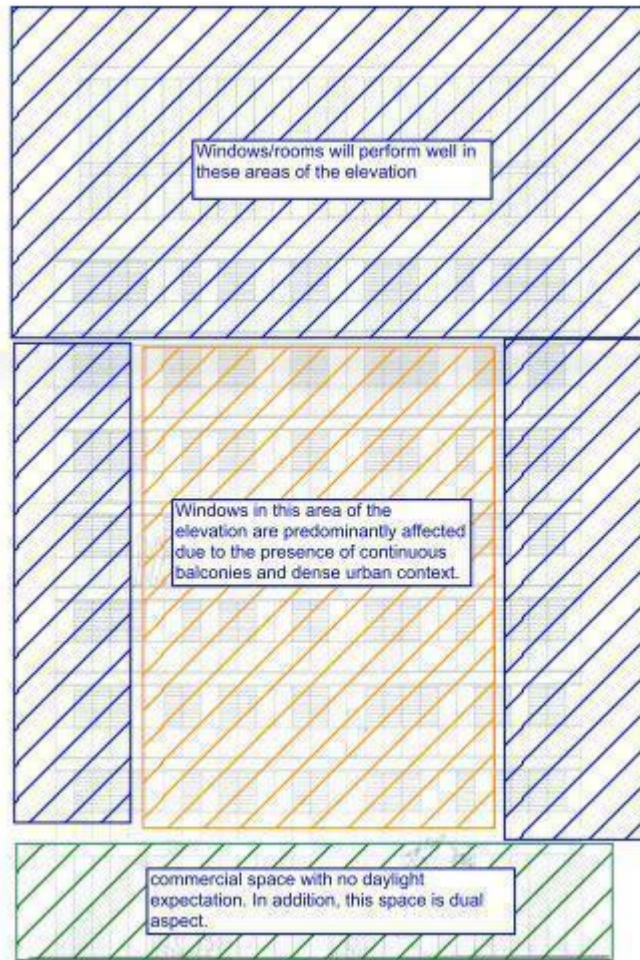
Total number of windows facing south	421
Total number of living room windows facing south	155
Total number of windows to living rooms meeting BRE recommendations	133
<b>Total number of windows to living rooms not meeting BRE recommendations</b>	<b>22</b>
<b>% of tested windows not meeting BRE recommendations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

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

#### Cosgrove House – South Elevation

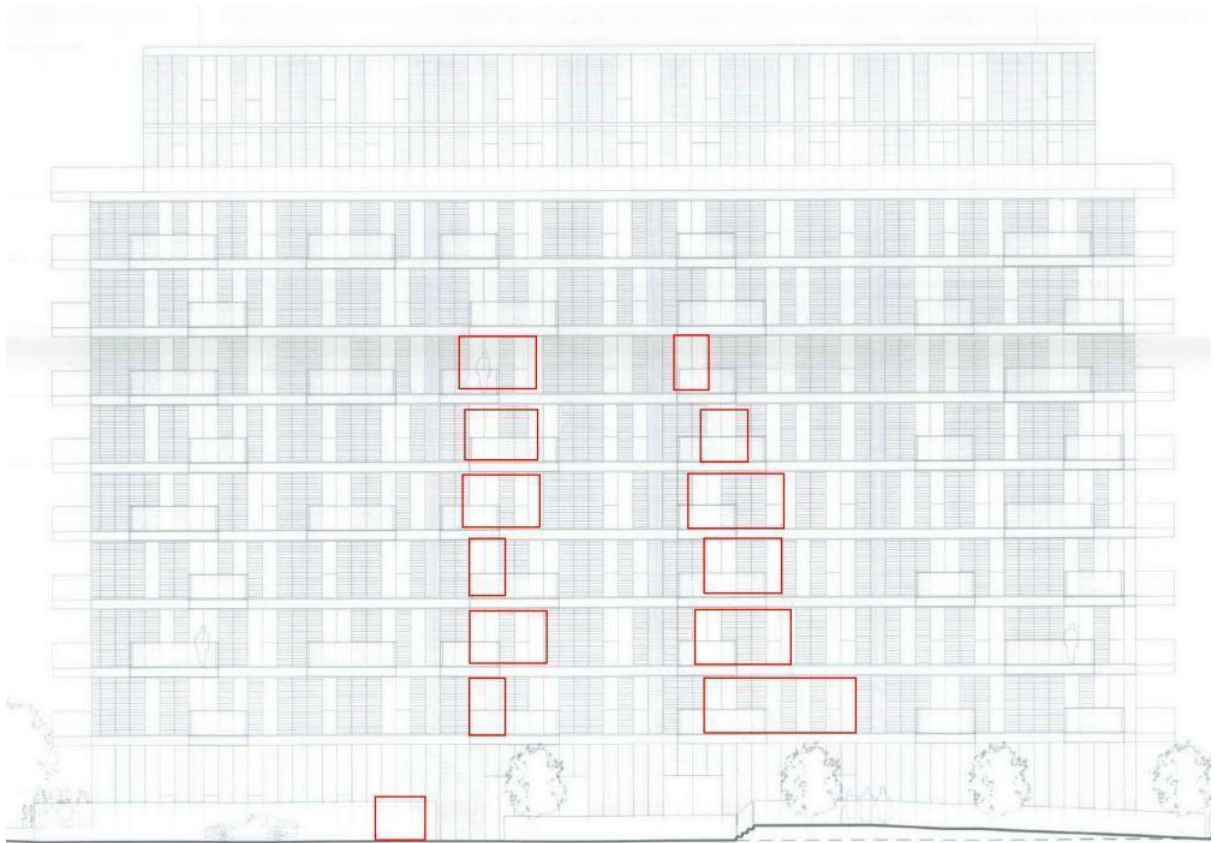
Floors 1 – 9 are residential and have south facing windows whose view is affected by the development. The results show that all windows on floors 1-6 will not meet the BRE recommendations for good levels of daylight. Floors 7-9 will achieve good levels of daylight in line with BRE recommendations. The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





### Braunston House – West Elevation

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



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

#### **Affordable Housing and Viability**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **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 (10 x studios, 42 x 1 bed, 25 x 2 bed and 15 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 (Revised plans submitted changing the floorplans and elevations of Block B and Daylight/Sunlight Report addendum)

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: 02/11/2017

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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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2017  
04  
17/3318

## SITE INFORMATION

<b>RECEIVED</b>	<b>26 July, 2017</b>
<b>WARD</b>	<b>Sudbury</b>
<b>PLANNING AREA</b>	<b>Brent Connects Wembley</b>
<b>LOCATION</b>	<b>80, 82 &amp; 84 Harrowdene Road, Wembley, HA0 2JF</b>
<b>PROPOSAL</b>	Outline application for the demolition of the existing 3 buildings at 80, 82 & 84 Harrowdene Road, HA0 and erection of a 4 storey detached building with basement, comprising 33 self-contained flats (2 x 1 bed, 28 x 2 bed, 3 x 3 bed) with associated parking, cycle store, refuse storage, landscaping and communal amenity space
<b>APPLICANT</b>	Mr MARLPARK HOMES LTD
<b>CONTACT</b>	<b>DS Sqaured Architects</b>
<b>PLAN NO'S</b>	Existing block site plan (Drawing No 17012 01.01) Existing context (Drawing No 17012 01.12) Proposed ground floor plan (Drawing No 17012 02.01 Rev A) Proposed basement and first floor plan (Drawing No 17012 02.02) Proposed second and third floor plan (Drawing No 17012 02.03) Proposed roof plan (Drawing No 17012 02.04) Design and access statement
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p><b>Please click on the link below to view <b>ALL</b> document associated to case</b>  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_135542">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_135542</a></p> <p><b><u><a href="#">When viewing this as a Hard Copy</a></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 "17/3318" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

Resolve It is recommended that this planning application is refused for the reason stated below:


1. Impact on the character of the area and the streetscene
2. Inadequate provision of family sized homes
3. Inadequate provision of Affordable housing
4. Impact on the amenities of adjoining residents
5. Poor standard of accommodation for the proposed homes
6. Failure to demonstrate appropriate levels of carbon reduction, water use or that the scheme will be air quality neutral
7. Failure to demonstrate that the basement will not be affected by flooding, or that the scheme will not result in surface water flooding elsewhere
8. Failure to demonstrate that the proposal will not impact significant trees, including a tree that is subject to a Tree Preservation Order
9. Insufficient provision of cycle parking and inappropriate location of the refusal storage area

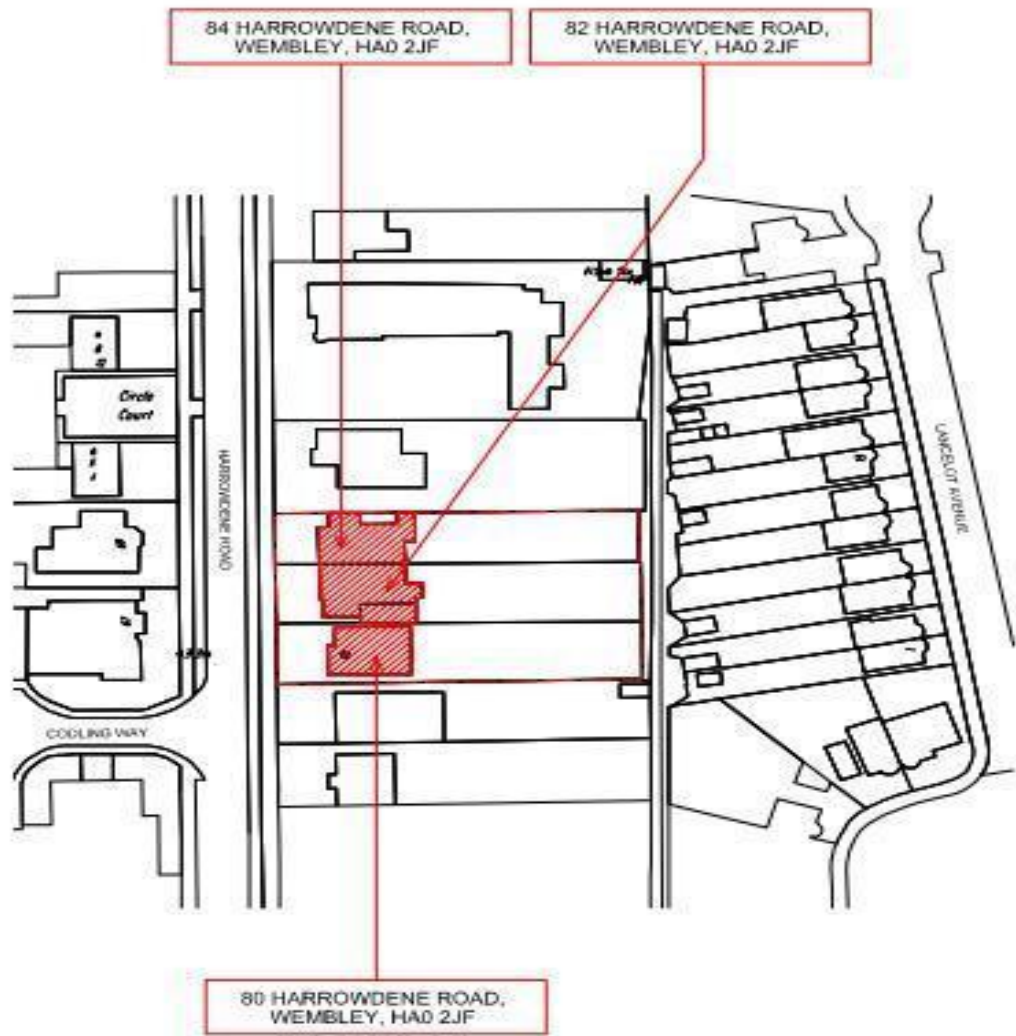
That the Head of Planning is delegated authority to issue the decision notice and impose informatives pursuant to the following matters:

Informatives  
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 informatives or vary the reasons 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.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: 80, 82 &amp; 84 Harrowdene Road, Wembley, HA0 2JF</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 an outline application for the demolition of the existing three dwellinghouses at 80, 82 and 84 Harrowdene Road and the redevelopment of the site to comprise 33 flats (2 x 1bed, 28 x 2bed, 3 x 3bed) in a three-storey detached building incorporating an internal courtyard of 100sqm, with additional accommodation in a mansard roof. A basement level is proposed for car and cycle parking, and refuse storage would be provided at ground floor level, together with 600sqm of communal amenity space to the rear.

This is an application for outline planning permission with all matters reserved. Plans and elevations have been submitted which seek to demonstrate how the proposed number and mix of units could be provided within the application site. However, as all matters are reserved (Access, Appearance, Landscaping, Layout and Scale), the drawings are only indicative, and if outline permission was to be granted, this would be subject to the approval of the Reserved Matters.

The Council is therefore required to consider whether the submission demonstrates that the proposed development (as set out within the description) would be in accordance with relevant planning policies and guidance and could be delivered within the site.

## EXISTING

The site comprises three adjoining houses, one detached and one semi-detached pair on the eastern side of Harrowdene Road. The surrounding area is of a suburban residential character, comprising a mixture of two-storey detached and semi-detached houses and some three-storey flat-roofed apartment blocks, with a PTAL rating of 2. None of the buildings are listed and the site is not in a conservation area but it is in an Air Quality Management Area.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. 11 objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

- 1. Objections received:** The objections relate to planning considerations including: the overall density of the development, the size, design and layout of the building; loss of light, privacy and outlook to neighbours; and increased flood risk. These are discussed within the report and officers agree that these impacts, together with other concerns, make the development unacceptable in planning terms.
- 2. Principle of development.** The proposal is considered to be overdevelopment of the site, resulting in an overall density far in excess of that recommended in the London Plan for suburban areas without good access to public transport, which would have an adverse impact on the character of the area, and consequently is unacceptable in principle.
- 3. Housing mix and Affordable Housing.** No Affordable housing is proposed but the proposal is not supported by a Financial Viability Assessment which demonstrates that the maximum reasonable proportion of Affordable Housing will be provided. Furthermore, the proposal would fail to provide an adequate proportion or quality of family-sized dwellings. It is therefore unacceptable in terms of meeting the Borough's housing needs.
- 4. The design, scale and appearance of the building.** The bulk and mass of the building would be excessive in this context, out of scale with the surrounding area and overbearing within the street scene, whilst the indicative design would be confused and incoherent, and the mansard roof form would be excessively bulky and out of keeping with the predominant roofscape and the two-storey flat-roofed rear projection would be excessively bulky, disproportionate and awkward. Overall the design is of poor quality and the proposal is unacceptable in design terms and out of keeping with the suburban character of the area.
- 5. Relationship with neighbouring properties.** The proposal fails to accord with the Council's policies and

guidance and would result in an unduly detrimental loss of outlook and privacy and would appear overbearing when viewed from Nos. 78 and 86 Harrowdene Road.

**6. Residential living standards of the proposed units.** the proposal is likely to provide poor quality accommodation for residents in terms of internal floorspace, daylight and sunlight, and external amenity space, and would be unacceptable in this respect, failing to accord with relevant policies and guidance.

**7. Sustainability.** The submission has failed to demonstrate that the proposal would meet sustainability targets, including achieving a zero carbon energy rating and air quality neutral status, and would be unacceptable in this respect.

**8. Drainage and flood risk.** The application would include basement parking in an area at risk of flooding, and has failed to demonstrate that the development could be made safe, including provision of a safe escape route. The proposal also fails to demonstrate that a surface water will be implemented in accordance with London Plan policy to limit the potential for flooding elsewhere.

**9. Impact on trees.** There are trees on site including a tree that is subject to a Tree Preservation Order, but has not been accompanied by a tree survey and an arboricultural assessment. As such the submission has not demonstrated that the proposal will not have a significant impact on trees within the site.

**10. Highways, servicing and parking.** The proposed car parking would slightly exceed the maximum standards, but not to a degree that is likely to result in a material impact on the highway. However, the submission fails to demonstrate that adequate levels of cycle parking can be provided or that bin storage can be provided in an appropriate location and as such, the submission fails to demonstrate that the proposal will not have a material impact on highway flow and safety..

**RELEVANT SITE HISTORY**

There is no planning history relating to the combined site.

Permission was granted in 1997 (97/1090) for change of use of No 82 from residential to a doctors’ surgery, however this use has either not been implemented or has lapsed and there are no public records of a GP practice at this address.

**CONSULTATIONS**

Press Notice published on 05/10/2017  
 Site Notice displayed on 25/09/2017

The owners/occupiers of 120 different properties were notified of the application on 08/08/2017 (n.b. 122 on Acolaid includes 2 objectors from outside area notified).

11 letters of objection have been received to date. The concerns raised, and your officers’ response or signposting to the appropriate paragraphs in the report, are summarised below:

General concern about overpopulation in the area	See paragraphs 1 – 3
Increased demand for local amenities and schools	All development providing new floorspace is liable for contributions to the Community Infrastructure Levy, which provides funding for infrastructure improvements to support increased demand for local services.
Increased noise, pollution and disturbance	See paragraph 37
Loss of light, privacy, outlook	See paragraphs 12 – 17
Size, design and layout of building – no other four-storey buildings in area – larger than surrounding buildings and higher density	See paragraphs 8 – 11
Bulky fortress-esque structure not harmonious	See paragraphs 8 – 11

with surrounding houses	
Loss of heritage represented by Victorian housing	The site is not in a conservation area and the buildings are not listed or locally listed. The impact of the design on the character of the area is discussed in paragraphs 8 – 11
Effect on suburban character of area – overdevelopment	See paragraphs 1 – 3 and 8 – 11.
Loss of family houses	See paragraph 4
Existing traffic volumes and congestion	See paragraphs 29 – 38
Increase in traffic and congestion	See paragraphs 29 – 38
Traffic safety, including effects on pedestrians	See paragraph 37
On-site parking provision inadequate, does not provide for two-car households and visitors – potential failure of vehicle lifts - impact on on-street parking provision	See paragraphs 29 – 38
Construction traffic, dust, noise and blocking of footpath	See paragraph 37
Increased air pollution in Air Quality Management Area	See paragraphs 23 – 24
Loss of trees at rear boundary line	See paragraph 28
Other flatted developments in area are more spacious	See paragraphs 8 – 11
Increase in surface water run off and flood risk	See paragraphs 25 – 27
Built development contributes to 'urban heat island' effect and global warming	See paragraphs 23 – 24
Impact on wildlife and loss of biodiversity	The site has no ecological designations. Detailed proposals to enhance biodiversity could be assessed under reserved matters.
Increase in litter and anti-social behaviour	Details of adequate waste storage provision and compliance with Secure by Design principles could be required under reserved matters to resolve these concerns.
Opportunities for crime	Compliance with Secure by Design principles would be required to resolve these concerns.
Loss of views	This is not a material planning consideration.
Effect on neighbouring property values	This is not a material planning consideration.
Extent of consultation	Adjoining neighbours were notified by letter, and the application was advertised more widely through a site notice and press notice, in accordance with planning legislation. Comments are accepted from any members of the public.

*Internal consultations:*

**Lead Local Flood Authority:** The site is in Flood Zone 1 and a Critical Drainage Area. There is widespread flooding in this area and a number of properties are flooded frequently, mainly due to inadequate capacity in the public sewer. The basement car park will be flooded during heavy rain and may put lives at risk. A Flood Risk Assessment and details of surface water management will be needed with the full planning application, demonstrating a safe escape route, sustainable urban drainage measures and control of surface water discharge to reduce the risk of flooding.

## 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, the 2015 Wembley Area Action Plan and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations in the determination of the current application:

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance (PPG)
- Mayor's Housing Supplementary Planning Guidance 2016
- London Borough of Brent Supplementary Planning Guidance 17 Design Guide For New Development
- London Borough of Brent Supplementary Planning Document S106 Planning Obligations

In addition, the emerging Draft Brent Design Guide SPD1 has been subject to public consultation and once adopted will supersede SPG17. This document also carries some weight in the determination of planning applications at this time.

## DETAILED CONSIDERATIONS

### Principle of development

1. The site is previously developed land in existing residential use, in a primarily residential area. Residential redevelopment of the site is supported by Core Strategy Policy CP2 and by the London Plan Policy 3.3, which supports sensitive renewal of existing residential areas, and Policy 3.4 which seeks to optimise housing output within the relevant density range.
2. The residential redevelopment of the site is considered to be acceptable in principle. However, development proposals must have regard to the aim of directing higher density development towards areas which are most accessible by public transport. Recommended density ranges for residential development are set out in the London Plan Policy 3.4 and reinforced by Core Strategy Policy CP6. For areas with a suburban character and medium public transport accessibility (PTAL 2 to 3), densities of 150-250 habitable rooms per hectare are considered appropriate (or 55-145 units per hectare if units have an average of 3.1-3.7 habitable rooms). The proposal does not specify layouts, however the total number of habitable rooms would be a minimum of 100 (number of bedrooms plus shared kitchen and living space). Based on this, the proposed development would have a substantially higher density of 476 habitable rooms per hectare or 157 units per hectare, which is considerably above the London Plan density ranges. However, the London Plan density matrix only provides an indication of the target densities for a site and actual site capacity must be based on the site specific circumstances.
3. The application is supported by indicative drawings which seek to demonstrate that the proposed number of units can be provided successfully within the site, having regard to all material planning considerations. This is discussed in detail later in this report. However, in summary, the submitted drawings do not demonstrate that the proposed number of units can successfully be delivered within the site and the development as shown within these drawings is considered to be detrimental to the suburban character of the area. As such, whilst the principle of the residential dwellings within this site is acceptable, the submission fails to demonstrate that the proposal can result in a development that is not detrimental to the suburban

character of the area and this is contrary to policies CP17 and DMP1.

## **Housing mix and Affordable Housing**

### *Housing mix*

4. Core Strategy Policy CP21 seeks an appropriate mix of accommodation types and sizes, and Policy CP2 specifies that at least 25% of new housing units should be family-sized units having three or more bedrooms. The proposal would not comply with these policies, as it would lead to the loss of three family-sized houses and the proportion of 3 bed units proposed would be only 9% of the total number of units. Furthermore, the proposed 3 bed units would all be of minimum space standards, and located on the upper floors with no direct access to the rear garden, and are considered on this basis to offer poor quality family accommodation.

### *Affordable Housing*

5. Core Strategy Policy CP2 aims for 50% of new housing to be affordable, and Policy DMP15 seeks affordable housing on sites with the capacity to provide 10 or more homes, subject to economic viability. This is reinforced by policy DMP15 which also specifies that the ratio of Affordable Rented to Intermediate Affordable Housing should be 70:30. These policies are in conformity with London Plan policies 3.12 and 3.13 which also seek the maximum reasonable proportion of Affordable Housing.

6. For the proposed development to comply with these policies, 16 or 17 affordable units should be provided, or a viability appraisal should be submitted to justify a lower level of provision. No affordable housing provision is proposed and no viability appraisal has been submitted.

7. The proposal therefore fails to accord with Policies CP2, DMP15, 3.12 and 3.13, as it fails to either propose 50 % Affordable Housing or demonstrate that the proposal will deliver the maximum reasonable proportion of Affordable Housing, and fails to demonstrate an appropriate mix of Affordable Housing. The provision of affordable housing is fundamental to the acceptability of a scheme of this size, and outline permission should not be granted without a clear agreement on this provision being reached. The application has therefore failed to demonstrate that it complies with these policies in making adequate provision for affordable housing.

## **The design, scale and appearance of the building**

8. The NPPF states that design should respond to local character and history and that permission should be refused for development of poor design. Core Strategy Policy CP17 aims to protect suburban areas from inappropriate infilling of plots with out-of-scale buildings that fail to respect the settings of existing dwellings.

9. The indicative drawings show a four-storey flatted block, with the external walls of the third floor set back from the external walls of the lower floors. The indicative block is shown to be set 1 m from the side boundaries of the site with the front wall between approximately 7 m to 10 m back from the front boundary with "bays" projecting forward of this. A two-storey element of the building is shown to project 25.5 m to the rear of the rear wall of No. 86 and 22.5 m rearward of the extension to No. 78, projecting to approximately 10 m from the rear boundary of the site. The second floor is shown to project 11.8 m and 8.8 m to the rear of No.s 86 and 78 respectively. Parking is indicated at basement level. The proposed building projects significantly rearward of the building line of the existing and surrounding developments with the exception of No. 88 Harrowdene Road. However, that property is not considered to represent the prevailing character of the area, and the development shown in the indicative drawings is considered to result in significant harm to



the suburban character of the area.

10. The existing houses on the site, particularly the semi-detached pair, are greater in height than their immediate neighbours, and there are three storey buildings with pitched roofs in the vicinity. The indicative building is shown to be 11.4 m in height whilst the adjoining buildings are shown to reach maximum heights of 10.2 and 9.2 m. However the character of the area is predominantly one of detached and semi-detached houses with hipped roofs and separated by garages, with the combination of these features providing a sense of spaciousness at first floor level and across the roofscape. Whilst there are some three-storey flatted developments in the area, these are spaciouly laid out on much larger sites than the application site. In comparison, the proposal would present an unrelieved mass of built form that would appear cramped on the site, would be out of scale with the surrounding area and would appear overbearing within the street scene, whilst the mansard roof would be of a bulky and awkward design that would not be in keeping with the predominant hipped and gable roof forms. The two-storey flat roofed rear projection would also appear excessively bulky, disproportionate and unrelieved by any architectural features.

11. Although detailed design proposals would be dealt with under reserved matters, the overall bulk, mass and arrangement of built form shown in the indicative drawings is considered to represent poor quality design that could not be significantly improved by detailed design, and consequently the proposal is unacceptable in design terms. The submission does not demonstrate that the proposed number and size of units can be provided within a scheme that pays an appropriate regard to the scale, nature and prevailing patterns of development in the area.

#### **Relationship with neighbouring properties**

12. The impact of proposed development on neighbours is also a material consideration, and policy DMP1 seeks to ensure that this is acceptable.

#### *Light and outlook*

13. The proposal has been considered having regard to the requirements of SPG17 and draft SPD1 which set out that that new developments should be set under a 45 degree line from a 2m height at the rear boundary and a 30 degree line from neighbouring rear habitable room windows. The proposed building projects beyond the rear wall of the extension to No. 78. A two-storey element is situated 1.05 m from the boundary and would significantly fail to comply with the 45 degree guidance. A 3-storey element of the building would project 3.7 m rearward of the rear wall of No. 86 and would therefore adjoin the garden of that property. This is set 1.05 m from the boundary and again would significantly fail to comply with the 45 degree guidance. Whilst the drawings are indicative only, they fail to demonstrate that the proposed number of mix of units can be achieved on the site.

14. The proposed building also projects significantly beyond the rear wall of the adjoining houses as discussed above. Given the suburban nature of the adjoining sites, the proposal would lead to a substantial loss of outlook to both adjoining properties at Nos 86 and 78 Harrowdene Road, and would appear overbearing and overly dominant to occupants of those properties, due to the depth and height of the two-storey rear projection.

15. The application has not been supported by a daylight sunlight assessment to demonstrate that the impact on neighbouring properties would be acceptable. This issue relates to the height, scale and bulk of the proposed building and could not therefore be addressed under reserved matters following a grant of outline permission.

### *Privacy and overlooking*

16. The indicative drawings show the overall locations and sizes of flats within the indicative scheme, but not the room layouts. As such, assumptions must be made regarding the location and nature of rooms and windows and whether the proposal demonstrates accordance with SPG17 and draft SPD1. The distance to the rear boundary achieves the 10 m minimum and the 20m to the nearest rear habitable room windows of properties on Lancelot Avenue are also achieved with the indicative scheme. A 10 m distance to the boundaries would also be achieved from the two-storey rear projection.

17. However, many other flats would rely upon habitable room windows facing the boundaries at short distances (some down to 1m to 3m). For ground floor units this would result in a poor outlook for the corresponding room. For upper floor windows this would result in overlooking onto neighbouring properties and their rear gardens. It is not clear whether any sole habitable room windows would face the internal courtyard / atrium, which would provide a poor outlook from those windows and potentially poor levels of privacy. Whilst the submitted drawings are indicative only, they suggest that unduly detrimental levels of overlooking will occur and do not demonstrate that the proposed number of units could be delivered without resulting in such impact.

### *Conclusion*

18. The proposal would cause substantial loss of outlook and would appear overbearing when viewed from both adjoining properties (No. 78 and 86) and a significant loss of privacy for both adjoining residents. Consequently the proposal is unacceptable in terms of its impact on neighbouring properties, contrary to policy DMP1, SPG17 and draft SPD1.

### **Residential living standards of the proposed units**

19. London Plan Policy 3.5 and the Mayor's Housing SPG set out minimum internal floor space requirements for new housing. The latter also seeks to avoid single aspect units, particularly where these would be north-facing. Brent Policy DMP19 requires 50sqm of external amenity space for 3bed flats and 20sqm for 1bed and 2bed flats whilst the Mayor of London Housing SPG specifies minimum sizes for balconies.

20. Whilst the scheme is in outline, unit sizes have been specified within the submission and shown within the indicative drawings. Of the 33 proposed flats, 21 would fail to comply with the minimum internal space standards. Furthermore the proposal does not confirm the provision of any wheelchair accessible units. No daylight sunlight assessment has been submitted to demonstrate that habitable rooms would receive adequate amounts of daylight and sunlight. No internal layouts have been provided, however most flats would be single-aspect, with some having only side-facing outlook (including north-facing units which would receive poor levels of daylight as a result) or very limited outlook which would result in some habitable rooms having no external windows at all. Although internal layouts could be dealt with under reserved matters, the submission does not demonstrate that a satisfactory standard of accommodation could be achieved.

21. The indicative drawings show amenity space provision comprising a communal rear garden of 600sqm and an internal courtyard of 100sqm, the latter being mostly open to the sky but enclosed by the four stories of the building and more likely to serve as an access than a usable amenity space. It is considered that this cannot be treated as amenity space of a suitable quality. For a development of this size and housing mix (notwithstanding the shortfall of family sized units which would increase this requirement), a total of 750sqm amenity space would be required to comply with Policy DMP19. There accordingly is a shortfall of 150 sqm and the proposal does not accord with policy DMP19. Furthermore, no play space has been proposed and the proposal fails to demonstrate compliance with London Plan Policy 3.6.

22. Overall, the proposal is likely to provide poor quality accommodation for residents in terms of internal floorspace, daylight and sunlight, and external amenity space, and would be unacceptable in this respect, contrary to Policy 3.5, 3.6, 3.8, DMP1, DMP18 and DMP19, the Mayor's Housing SPG, the Mayor's SPG regarding Play and Informal Recreation and the national Technical Housing Standards.

### **Sustainability Assessment**

23. Core Strategy Policy CP19 requires a Sustainability Statement for major housing proposals or those in Air Quality Management Areas. This should demonstrate how the proposal will meet London Plan targets set out in Policies 5.2 and 5.3, with Policy 5.2 specifically requiring new housing from 2016 to achieve a zero carbon energy rating. London Plan Policy 7.14 requires proposals in Air Quality Management Areas to be at least 'air quality neutral' and this should be demonstrated through an air quality assessment.

24. The application has not been supported by the information demonstrating that the proposal will comply with the requirements of the London Plan Policies 5.2, 5.3 or 7.14 or Core Strategy Policy CP19. The overall scale, bulk and density of the development is considered to be a fundamental factor influencing its sustainability, and therefore this issue could not be dealt with under reserved matters following a grant of outline permission.

### **Drainage and flood risk**

25. The site is in Flood Zone 1 but is in a designated Critical Drainage Area which has a history of widespread and frequent flooding due to inadequate capacity in the public sewer. The proposed basement car park would be at risk of flooding during heavy rain, which may put lives at risk without information demonstrating that this will be safe.

26. A Flood Risk Assessment and details of proposed sustainable urban drainage measures and the control of surface water discharge would be required to demonstrate that the development could be drained effectively and could be made safe from the risk of flooding, including provision of a safe escape route. This information has not been provided and it is considered that the application has failed to demonstrate that the proposal complies with the relevant requirements in London Plan Policies 5.12 and 5.13, and Brent Policies DMP9A and DMP9B.

27. The council's drainage engineer has requested this information under reserved matters, however your officers consider that these concerns relate to the basic layout and overall scale of the proposed development. Therefore outline permission should not be granted unless it can be clearly demonstrated that the development can be made safe and this issue could not be dealt with under reserved matters following a grant of outline permission.

### **Impact on trees**

28. Objections have been received relating to the potential loss of trees in the rear gardens of the three houses. There are trees situated within the site, one of which is subject to a Tree Preservation Order. The application has not been accompanied by a tree survey and arboricultural impact assessment and as such, the potential impact of the proposed development on the trees within the site cannot be considered. This is contrary to policy DMP1.

### **Highways, servicing and parking**

29. The current site comprises three 4bed houses, of which one has a garage and all three have parking in the front garden. There are four vehicular crossovers, the central house (No 82) having two and the other houses one. Harrowdene Road is a local distributor road and is not classified as heavily parked. Residents' permits are required to park on the street on Wembley Stadium event days but on-street parking is otherwise unrestricted. The site has low accessibility to public transport, with a PTAL rating of 2.

#### *Car parking*

30. Car parking standards for residential developments are given in Appendix 1 of the DMP, and cycle parking standards in the London Plan.

31. The proposed development would have a parking allowance of 34.5 spaces. The plans indicate that parking would be provided in the basement car park, comprising 36 spaces using 18 double-deck car stackers, two disabled spaces adjacent to the fire escape core, and two motorcycle parking spaces.

32. The proposed parking spaces exceed the maximum standards. However, the 3.5 additional spaces (beyond the standards) is unlikely to result in a material impact on the local highway network. Electric vehicle charging points would need to be incorporated into the layout for up to 40% of spaces (20% active and 20% passive). However, this could be secured by condition if permission were granted.

#### *Cycle parking*

33. A total of 21 cycle spaces have been indicated in the basement within a small (4.8 m x 4.1 m) area, which would provide a secure and covered location to protect against theft and weather. However, to comply with London Plan requirements, 2 cycle spaces per 2+bed unit and 1 cycle space per 1bed unit are required. Therefore a total of 64 cycle spaces would be required for the proposed development. Whilst the plans are only indicative, given the issues discussed within this report regarding the scheme, there is no certainty that the additional spaces could be provided. The access ramp would need to be safe for cyclist use and this would need to be demonstrated.

#### *Access*

34. Ramped access to the car park is indicated as being provided from the street, and the remainder of the site frontage is shown as being landscaped, which is welcomed as contributing to natural drainage. The retained crossover would need to be widened, the three remaining crossovers reinstated to footway and the line markings adjusted to provide new on-street parking bays, in addition to amendments to Traffic Regulation Orders, at the applicants' expense under a Section 278 Agreement if planning permission were granted.

35. Further information would be required under reserved matters, to demonstrate that the basement would be deep enough to accommodate the height of the car stackers, that the basement access and ramp would be a minimum of 4.1m wide plus 300mm margins to allow two vehicles to pass at the access and on the ramp, and that sufficient sight line visibility would be provided at the access and particularly where the ramp meets the public footway. Vehicular tracking paths would be required to show that the parking spaces would be accessible and that there would be sufficient space for manoeuvrability. Further details of ramp gradients would be required and would need to be in compliance with recommended design guidance published by IStructE, with a maximum gradient of 5% within 4m of the highway boundary.

#### *Servicing*

36. The development would require a large volume of bin storage, and full details of proposed storage would be required under reserved matters. A bin storage area is shown to the side of the building,

however this would be over 20m from the highway and consequently would not be sufficiently accessible as such areas should be no more than 10 m from the collection point (the highway). Whilst a bin storage area could potentially be provided within the ground floor of the building, the above concerns already demonstrate that the proposed number of units are unlikely to be able to be accommodated within this site and as such, there is no certainty that the bin store could be located into an alternative location.

### Construction

37. A Construction Logistic Plan (CLP) would be required by condition prior to the commencement of any demolition or construction work on site, which could be secured through condition if consent was to be granted

### Highways Conclusion

38. The submission fails to demonstrate that refuse and cycle storage can appropriately be provided within the development. In the absence of such detail and given the matters raised above, there is no certainty that these can be appropriately provided.

### Conclusion

39. Whilst officers note that the scheme would provide new housing in an established residential area, the benefits would not outweigh the significant resultant harm of the scheme to the character and appearance of the area or the residential amenity of neighbouring properties. Furthermore, the proposal would offer a poor standard of accommodation for future residents and to be unacceptable in terms of housing mix and affordable housing provision, and the application has failed to demonstrate that it would be acceptable in terms of the impact on trees, highway flow and safety, sustainability, drainage and flood risk.

40. In summary, the proposal would be unacceptable on a number of grounds and it is not considered that these concerns could potentially be resolved under reserved matters following grant of outline permission. Officers recommend the application for refusal for the reasons set out in the draft decision notice.

## CIL DETAILS

This application is liable to pay **£1,028,728.76\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 3858 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	3858	383	3475	£200.00	£35.15	£874,955.36	£153,773.40

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)	282	
<b>Total chargeable amount</b>	<b>£874,955.36</b>	<b>£153,773.40</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.**



Application No: 17/3318

To: Mr Shah  
DS Squared Architects  
Multicom House  
2 Spring Villa Road  
Edgware  
HA8 7EB

I refer to your application dated **26/07/2017** proposing the following:

Outline application for the demolition of the existing 3 buildings at 80, 82 & 84 Harrowdene Road, HA0 and erection of a 4 storey detached building with basement, comprising 33 self-contained flats (2 x 1 bed, 28 x 2 bed, 3 x 3 bed) with associated parking, cycle store, refuse storage, landscaping and communal amenity space

and accompanied by plans or documents listed here:

Existing block site plan (Drawing No 17012 01.01)

Existing context (Drawing No 17012 01.12)

Proposed ground floor plan (Drawing No 17012 02.01 Rev A)

Proposed basement and first floor plan (Drawing No 17012 02.02)

Proposed second and third floor plan (Drawing No 17012 02.03)

Proposed roof plan (Drawing No 17012 02.04)

Design and access statement

at **80, 82 & 84 Harrowdene Road, Wembley, HA0 2JF**

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

Date: 02/11/2017

Signature:

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

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

**Note**

Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved

by the decisions of the Local Planning Authority.

DnStdR



## PROACTIVE WORKING STATEMENT

- 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.

## REASONS

- 1 The submission fails to demonstrate that the proposed development can be delivered within the application site within a building that pays an appropriate regard to the prevailing character, the patterns of development and the massing and forms of development in the area. The proposal would result in significant harm to the streetscene and the suburban character of the area, contrary to the National Planning Policy Framework, Policy DMP1 of the Brent Local Plan Development Management Policies 2016 and Policy CP17 of the Brent Core Strategy 2010.
- 2 The proposal, by reason of the inadequate provision of family sized (3+ bedroom) dwelling and the poor quality of the family sized dwellings within the indicative proposals, would result in the loss of good quality family sized accommodation for which there is an identified need in the borough and replacement with poor quality family sized accommodation together with a failure to provide additional family sized homes, and thus is contrary to Policy CP2 and CP21 of the Brent Core Strategy 2010 and policy DMP16 of the Brent Local Plan Development Management Policies 2016.
- 3 The proposal failures to propose at least 50 % Affordable Housing or submit a Financial Viability Assessment demonstrating that the maximum reasonably proportion of Affordable Housing will be provided and as such, fails to demonstrate that the proposal will meet identified housing need within the borough and within London as a whole. This is contrary to the National Planning Policy Framework, Policy CP2 of the Brent Core Strategy 2010, Policy DMP15 of the Brent Development Management Policies 2016, policies 3.12 and 3.13 of the London Plan 2016 and the Mayor of London Affordable Housing and viability SPG 2017.
- 4 The submission fails to demonstrate that the proposed development will have an appropriate relationship with adjoining sites and the indicative scheme demonstrates that the proposal is likely to have an unduly detrimental impact on the amenities of Nos. 78 and 86 Harrowdene Road by way of a loss of outlook, loss of privacy and an overbearing appearance. This is contrary to Policy DMP1 of the Brent Development Management Policies 2016, Supplementary Planning Guidance No. 17 and draft Supplementary Planning Document 1.
- 5 The submission fails to demonstrate that an appropriate standard of residential accommodation will be provided for future occupants of the development, and the indicative scheme shows that a poor standard of accommodation is likely to be provided by virtue of the inadequate levels of internal floorspace, inadequate provision of external amenity space, excessive proportion of north facing units, failure to demonstrate adequate levels of daylight and sunlight will be achieve, failure to demonstrate that adequate levels of play space will be provided and failure to demonstrate that an adequate proportion of wheelchair accessible or easily adaptable units will be provided. As such, the proposal is contrary to Policy 3.5, 3.6 and 3.8 of the London Plan 2016, Policy DMP1 and DMP18 and DMP19 of the Brent Development Management Policies 2016, the Mayor's Housing SPG, the Mayor's SPG regarding Play and Informal Recreation and the national Technical Housing Standards.
- 6 The submission fails to demonstrate that the proposal can achieve an appropriate level of carbon reduction or water use, or demonstrate that the development will be air quality neutral and as such, is likely to contribute to unduly contribute towards climate change, will not adequately reduce water use and will result in adverse air quality, contrary to policy 5.2, 5.3,

5.15 and 7.14 of the London Plan and Policy CP19 of the Brent Core Strategy 2010.

- 7 The application site is located in a designated Critical Drainage Area which has a history of flooding but fails to demonstrate that the proposed basement parking area will be safe, or the the surface water run-off from, the site will be accommodated in an appropriate way including the consideration of the use of SuDS to reduce the risk of flooding elsewhere. As such, the proposal fails to demonstrate compliance with policies 5.12 and 5.13 of the London Plan 2016 and policies DMP9A and DMP9B of the Brent Development Management Policies 2016.
- 8 The proposal fails to identify the significant trees within the site which includes one tree that is the subject of a Tree Preservation Order or demonstrate the potential impact of the proposed development on those trees or any mitigation for trees that are proposed to be lost. In the absence of such information, the proposal fails to demonstrate the appropriate consideration, retention or replacement/enhancement of existing significant trees which are likely to be affected be affected by the development and as such is likely to result in the loss of such trees to the detriment of the character of the area and local ecology and biodiversity. This is contrary to Policy DMP1 of the Brent Development Management Policies 2016
- 9 The proposal fails to demonstrate that an appropriate level of secure, weatherproof cycle parking can be provided for the proposed development or that an appropriately sized refuse store can be situated within a suitable location that facilitates collection and as such, the proposal fails is likely to lead to conditions prejudicial to highway flow and safety, contrary to Policy 6.9 of the London Plan 2016 and DMP1 of the Brent Development Management Policies 2016.

#### INFORMATIVES

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

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,  
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2017  
05  
17/3188

## SITE INFORMATION

RECEIVED	17 July, 2017
WARD	Wembley Central
PLANNING AREA	Brent Connects Wembley
LOCATION	1-7, 9, 11 & 11A Elm Road, Wembley, HA9 7JA
PROPOSAL	Demolition of existing hotel buildings and erection of a part 3, part 4 and part 5 storey 128 bed aparthotel plus basement accommodation comprising guestrooms and ancillary facilities within a 4-storey basement (situated below the part-basement lower ground floor), together with soft and hard landscaping, servicing, cycle storage and refuse and recycling facilities (revised description)
APPLICANT	London Hotel Group
CONTACT	GVA
PLAN NO'S	Refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></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_135399">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_135399</a></p> <p><b><u><a href="#">When viewing this as a Hard Copy</a></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 "17/3188" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

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. Notification of commencement;
3. Training and employment plan targeting Brent residents;
4. A financial contribution of £10,000 towards the planting of street trees along the frontage of the development
5. A financial contribution of £445,320 towards a local carbon off-setting scheme to achieve the targets for carbon reduction, should those targets not be met through on-site measures.
6. Submission and approval of an amended Travel Plan of sufficient quality to secure a PASS using TfL's ATTrBuTE programme and the implementation and monitoring of the travel plan;
7. 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. Restriction on occupancy length
4. Building use restriction
5. Specific windows to be obscure glazed for privacy of neighbours
6. 10% accessible bedrooms to be provided and maintained
7. Accessibility Management Plan to be adhered to
8. Coach Management Plan and Delivery and Servicing Management Plan to be adhered to
9. Crossover works to be completed prior to occupation
10. Considerate Constructors' Scheme membership
11. Cycle Parking to be installed prior to occupation
12. Approval of materials
13. Construction and Demolition Method Statement
14. Piling Statement
15. Plant noise
16. Kitchen extract details
17. Drainage strategy
18. Surface water management strategy
19. Landscaping details
20. External lighting details
21. Air quality neutral assessment
22. BREEAM post construction stage review
23. Tree protection measures

### Informatives


1. Construction Hours
2. Guidance notes from Thames Water (1)
3. Guidance notes from Thames Water (2)
4. Advertisement Consent
5. Contact highways for crossover works
6. Notify highways service of intent to commence works
7. Tree protection informative
8. CIL liability informative

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.

## SITE MAP



### Planning Committee Map

Site address: 1-7, 9, 11 & 11A Elm Road, Wembley, HA9 7JA

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This map is indicative only.

## PROPOSAL IN DETAIL

The proposal seeks to demolish the five existing terrace house buildings that comprise the current hotel. A replacement aparthotel building of a more modern character is proposed in its place. The new aparthotel will accommodate 128 bedrooms/suites, associated back of house and staff areas, a guest lounge as well as a restaurant, gym and leisure centre for the use of guests. These facilities will be contained across five storeys above ground and across three basement levels.

An off-street taxi drop-off area as well as access to the aparthotel's internal service bay are proposed along the St John's Road frontage.

Four short stay cycle spaces are proposed along the Elm Road frontage, close to the edge of the site.

## EXISTING

The subject site is situated on the north-east corner of the junction of Elm Road and St John's Road in Wembley, approximately 100m from Wembley High Road and 200m from Wembley Central railway and tube station. It comprises a set of five Edwardian terrace houses that have long been repurposed for use as a hotel containing 61 bedrooms and associated car parking space. The existing hotel is situated just outside of the designated Wembley Town Centre boundary, with the buildings just across the road (on the south side of Elm Road) being within the boundary of the town centre. The site is within the Wembley Growth Area.

The subject site is not within a Conservation Area, nor is the building listed.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. 4 objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Intensification of use:** The proposal will result in a significant intensification of an existing hotel use. Your officers consider this to be acceptable given that it is an existing hotel adjacent to the Town Centre boundary and within the Wembley Growth Area, and the proposal has demonstrated that it is an appropriate addition in terms of its visual design, massing, highway impacts and amenity impacts to neighbours.
2. **Design:** The design of the building is considered to be acceptable and the height and massing is in keeping with the local context.
3. **Neighbouring amenity:** The relationship with most neighbouring buildings complies with relevant Brent guidance for protecting visual amenity. Situations where guidance is breached are very minor in nature. The applicant's daylight and sunlight analysis confirms that whilst some small losses of light will be experienced, all nearby properties will retain suitable daylight and sunlight to their windows in line with BRE standards.
4. **Highways and transportation:** The submission demonstrates that the proposal is unlikely to have a significant impact on local street given the high level of public transport accessibility of the site.
5. **Environmental considerations:** A number of conditions are recommended regarding the potential will require the environmental health impacts, in particular construction management, to be fully considered and mitigated prior to commencement of the development.
6. **Trees, landscaping and public realm:** The proposal will deliver new street trees outside the development as part of a S106 contribution, which is strongly supported by your officers. Railing planting will mask the light well and make for a positive street frontage relationship.
7. **Sustainability and energy:** The measures proposed by the applicant achieve the required improvements on carbon savings within London Plan policy. This includes on-site measures and contributions towards carbon off-setting which would be secured through the Section 106 legal agreement.

## MONITORING



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

### **Floorspace Breakdown**

<b>Primary Use</b>	<b>Existing</b>	<b>Retained</b>	<b>Lost</b>	<b>New</b>	<b>Net Gain (sqm)</b>
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	0		0	0	
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	
General industrial	0		0	0	
Hot food take away (2004)	0		0	0	
Hotels	1220		1220	4967	
Non-residential institutions	0		0	0	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	0		0	0	
Storage and distribution	0		0	0	

### **Monitoring Residential Breakdown**

<b>Description</b>	<b>1Bed</b>	<b>2Bed</b>	<b>3Bed</b>	<b>4Bed</b>	<b>5Bed</b>	<b>6Bed</b>	<b>7Bed</b>	<b>8Bed</b>	<b>Unk</b>	<b>Total</b>
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## **RELEVANT SITE HISTORY**

No relevant planning history.

## **CONSULTATIONS**

Letters sent initially on 25<sup>th</sup> July 2017, with re-consultation letters with a revised description sent on 5 October. Revised site notices were put up on 5 October and a revised advertisement in the press on 12 October.

329 letters were sent to adjoining and nearby owners and occupiers.  
Four letters of objection were received.

The grounds of objection are listed below:

<b>Grounds of Objection</b>	<b>Officer Response</b>
<p>A commercial re-development with increased occupancy will result in additional noise and nuisance and make the area less residential.</p> <p>The area will become busier and security and safety will be a major concern with an additional influx of temporary visitors.</p>	<p>The principle use of this land will not change, with the established hotel use remaining. The local area is on the periphery of one of Brent's major town centres and Elm Road itself is within the designated centre. Whilst the residential aspects of the area are acknowledged, it is considered that the area is also commercial and that a hotel use has and continues to be appropriate in such a location.</p> <p>Whilst the proposed aparthotel will accommodate increased occupancy, all primary and ancillary uses (aside from taxi-drop off) associated with the hotel are to take place within the building, where disturbance to external premises will be minimised. It is also noted that the proposed</p>

	<p>hotel does not include provision for an outdoor seating area, as is the case with the current hotel – this could significantly reduce instances of noise disturbance from guests.</p>
<p>Additional visitors will create major parking issues, especially during Wembley Stadium Event Days. This will cause additional congestion on Elm Road, which already has a shared/single lane for traffic in both directions. Additional traffic could be experienced 24 hours a day.</p>	<p>This is discussed in detail within Section 7 of the report.</p> <p>No on-site parking is proposed, which is acceptable given the excellent local access to public transport (train services within 200m and numerous bus routes within 100m). The site is also near to existing public car parks (e.g. St John’s Road, Elm Road or Wembley Central car parks) and there is a CPZ in operation in the local area.</p>
<p>Additional floors will lead to windows facing residential flats leading to a loss of privacy and distraction.</p>	<p>Potential amenity impact is discussed in detail in section 5 of the report. This sets out that the proposal will not lead to an unduly unacceptable loss of privacy (having regard to SPG17 and draft SPD1) providing a condition is attached regarding obscured glazing for certain windows.</p>
<p>There will be a loss of view and the additional floors/built form would be out of character with the surrounding residential houses and flats.</p>	<p>There are no protected views which would be detrimentally affected by this development.</p> <p>It is considered that the design is sympathetic to its surroundings, with the largest massing (4/5 storeys) only provided centrally on the corner, away from the neighbouring houses. The approach to the architecture is modern compared to the neighbouring immediate, but assuming the quality of materials will be high, it is considered that the new building will add value and variety to the streetscene without detracting from the standalone character of its neighbours.</p> <p>The established context on the south side of Elm Road is already comprised of similarly orthogonal and modern buildings of a greater height, which would provide an additional rationale for supporting a design of this nature.</p>
<p>It is alarming when groups of guests speak or shout loudly in front of the hotel, or eat and drink at the road side seating during late nights or early mornings. The concern is even greater during event days and weekends when local residents are resting.</p>	<p>Whilst the proposed aparthotel will accommodate increased occupancy, all primary and ancillary uses (aside from taxi-drop off) associated with the hotel are to take place within the building, where disturbance to external premises will be minimised. It is also noted that the proposed hotel does not include provision for an outdoor seating area, as is the case with the current hotel – this could significantly reduce instances of noise disturbance from guests.</p>
<p>An all-night array of LED lights forming the hotel displays are a nuisance, forcing those opposite to close their curtains earlier. Such environmental concerns are likely to increase with a new 128 bed hotel.</p>	<p>All advertisements and signage need advertisement consent, as issued by the Local Planning Authority, before they can be lawfully erected. The applicants will need to secure such consent separately for any signage, including LED signage. The Local Planning Authority will consider the luminosity of</p>

	signage to ensure that any signage is unlikely to disturb neighbouring residents.
Late night rooftop parties and groups in the terraced areas with alcohol disturb otherwise peaceful living conditions which may increase with a larger hotel.	There is no rooftop access for guests proposed nor are balconies or terraces proposed. All lounge and restaurant spaces are internal to the building and it is considered that the aparthotel's design will minimise the potential for noise disturbance, particularly in comparison to the current hotel, where a substantial external seating area exists.
The 5 storey hotel is overdevelopment and unnecessary, where other hotels are nearby, such as a large Travelodge which is situated about 200m away, next to Wembley Central station.	There is no planning policy that limits the number of hotels in this area. It is up to the owner to consider if suitable demand exists for the proposed aparthotel. In planning terms, the hotel use is appropriate and in compliance with local planning policies and it is therefore not considered that the development should be resisted.

### Internal Consultees

Environmental Health: No objection to the proposal subject to conditions. Please see Environmental Health discussion below for further details.

Landscape Design/Trees: No objection to the proposal subject to Section 106 obligations. Please see tree discussion below for further details.

Local Lead Flood Authority: No objection to the proposal subject to conditions. Please see discussion below for further details.

### External Consultees

Thames Water: No objection subject to conditions and informatives. Please see discussion below for further details.

## POLICY CONSIDERATIONS

### NATIONAL

National Planning Policy Framework

### REGIONAL

Further alterations to the London Plan (consolidated with alterations since 2011)

### LOCAL

#### Brent Local Development Framework Core Strategy 2010

CP1 Spatial Development Strategy

CP5 Placemaking

CP7 Wembley Growth Area

#### Brent Development Management Policies 2016

DMP 1 –Development Management General Policy

DMP 6 – Visitor Accommodation and Attractions

DMP 11 – Forming an Access on to a Road

DMP 12 – Parking

### **Wembley Area Action Plan 2015**

WEM1 Urban Form

WEM15 Car Parking Standards

WEM16 Walking and Cycling

WEM30 Decentralised Energy

### **Brent Council Supplementary Planning Guidance and Documents**

SPG17 Design Guide for New Development 2001

SPG5 Altering and Extending your Home 2002

Draft SPD1 Design Guide for New Development 2017

Draft SPD2 Altering and Extending your home 2017

## **DETAILED CONSIDERATIONS**

### **1.0 Principle of use**

1.1 There is no objection to the principle of redeveloping the existing hotel for a new hotel facility. No change of use will occur.

1.2 The use of the site would intensify as a result of the proposed development, with an increase from the 61 bedroom hotel to a 128 bedroom aparthotel. Given the excellent public transport accessibility level (PTAL) of 6 and the location being immediately adjacent to a major town centre, it would not be considered that the intensification of the use would reflect an overdevelopment, subject to demonstration that the proposal is acceptable on visual design, massing, highways and amenity impact grounds.

1.3 The hotel will include a substantial four level basement. There is no objection in principle to the excavation and use of basement levels, however it is important to carefully consider whether the aparthotel would become overly reliant on basement floor space for its primary functions, as this could represent an unacceptable intensification of use which would not appropriately reflect the capacity of the site. However, only 20% (26 out of 102) of the aparthotel's bedrooms will be located within the basement which is considered to reflect an acceptable auxiliary use of the basement rather than a primary reliance on it. To improve the outlook to basement rooms, they have been configured as duplexes, providing two windows across two basement levels rather than the single window within other rooms of the aparthotel. When the overall floor space of primary aparthotel accommodation is considered, 36% of the bedroom floor space will be contained within the basements. Whilst not insignificant, it is not considered that this floor space proportion is substantial enough to justify objection to the proposal and it is reiterated that around two thirds of bedroom floor space and 80% of overall bedrooms will be provided within the ground and upper floor accommodations. The basement will also contain other ancillary functions of the building, including plant, a restaurant for the use of guests and a leisure centre including gym and swimming pool. Since these represent ancillary functions of the aparthotel, they are accepted as suitable uses of the basement.

1.4 The principle of acceptable hotel or aparthotel accommodation relies on assurance that the aparthotel will not be occupied by permanent residents, in accordance with the requirements of policy DMP 6. A condition will be applied to require this.

### **2.0 Scale, Design and Massing**

2.1 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.

2.2 The site is not within or close to a conservation area and does not contain listed buildings. The proposal would result in the loss of the existing Edwardian terraced buildings, however, much of the wider character of this part of Wembley, including the buildings on the southern side of Elm Road are generally more modern in comparison and the loss is not considered contrary to planning policy providing a high quality design solution being provided in its place.

2.3 The proposal is for an orthogonal building to replace the five terrace houses, whose massing would range

from 3 storeys on the northern and eastern sides to 4 and 5 storeys on the central and southwestern sides of the building, at the central part of the corner plot. The 3 storey parts of the building would accord with the height of the surrounding buildings, including the terraces along Elm Road (9.7m high), whilst the higher central section would increase the height by an additional 5.5m resulting in a prominent building in relation to its immediate neighbours. Given the corner plot location, it is considered that this is an acceptable arrangement which would not detract from the established character of the shortened, but otherwise unaffected, row of terrace houses to the east.

2.4 The buildings on the south side of Elm Road include the Job Centre, which is a flat roofed 3 storey building immediately across from the hotel and the adjoining block of flats at 10 and 12 Elm Road, which reaches a height of 5 storeys, with a set in sixth. Unlike the hotel, these buildings are within the Wembley Town Centre boundary and result in an urban context along Elm Road when compared to the surrounding residential roads. Whilst the hotel is marginally outside of the town centre boundary, the use of the building as a hotel is already established and it is considered that the denser, urban character proposed would respond to the immediate context across the road junction well, whilst being limited enough in height to minimise disturbance of the suburban residential character that prevails to the north of the site. The proposal is therefore considered to be a comfortable addition in terms of general massing, given its surrounding context on the south side of Elm Road.

2.5 The building has been designed to follow the established front building line of Elm Road. The building will have a clean straight façade but will have variation in heights (as detailed above) which creates different volumes on the upper floors, breaking down the massing of the building. The building is also articulated through variations in façade treatment, with red brick being used on lower flower floors and white brick being used on the upper most floors to give a lighter-weight appearance to the tallest parts of the building. Tall window openings framed in PPC aluminium are to repeat frequently along the façade and are to be arranged in clean stacks up the building to provide a strong vertical emphasis. A larger gap between windows is to be articulated with brickwork inset panels to provide some additional interest within the frontage. By virtue of the significant headroom height within the servicing entrance, some the windows on the northern part of the building fronting St John's Road will not align with their adjacent windows – this results in a break in design rhythm. However, the architects have sought to differentiate this particular section of the façade by using white brick entirely and providing additional sections of brickwork detailing panels to achieve an appropriate and deliberate variation in the design.

2.6 The building will be fronted at ground level by metal railings with landscaping planters along the base of the railings. The railings will be placed 2m in front of the edge of the building itself. The established window rhythms along the visible façade extend downward into a light well. The light well provides some of the basement's light source and also provides defensible space for the bedrooms whose windows face out onto the street at ground floor level, however the light well has the potential to result in an awkward relationship between the building and the street. The planters within the railings will help to screen this relationship from view and contributions to be made to street tree planting (see section 10.0 below) will provide further environmental mitigation which will work to mask the visibility of the light well from the street. The guest entrance to the hotel is located centrally, on the corner of the building. It is a prominent entrance which makes use of tall glazed panels to provide additional activation and improve the relationship with the street. The northern edge of the building, along St Johns Road, is to be equipped with a large sliding vehicular entrance door comprised of a PPC aluminium roller shutter. The entrance is 4.5m high, which will allow deliveries and collections from the largest vehicles.

2.7 The building is to occupy most of the plot and will not include the 10m space buffers which would normally be required to preserve outlook to neighbouring development sites. Nonetheless, two of the elevations (south and west) are highway facing whilst the other two (north and east) do not provide any forms of outlook. As such, the development is not relying on another land parcel to achieve outlook.

2.8 Overall, the building's design and appearance is considered acceptable. The building would be notably larger than its immediate surroundings but the focus of it on the main road junction, and the light materials as well as the similarly tall established buildings across the road are considered to fully justify the building design proposed.

### **3.0 Hotel Layout**

3.1 The proposed aparthotel includes 128 rooms overall with various ancillary rooms and functions. Behind the entrance at street level, guests proceed down a short flight of stairs to the lower ground floor where the reception and guest lounge is located. A disabled lift to reach the LG floor as well as a general lift for access to the leisure centre and restaurant will be provided immediately within the entrance. From the main reception

area there is access to a large 'back of house' area with laundry rooms and admin offices. Access is also possible to the internal service bay and delivery/storage/refuse area on the north side of the LG floor. Finally, corridor access to nine of the aparthotel rooms located on this floor is possible. From these corridors it is also possible to access the main guest stairwell and two guest lifts for access to other floors.

3.2 The upper ground floor occupies a similar footprint to the lower ground, however the north eastern section of the building tapers in to protect the rear garden amenities of no. 13 Elm Road, resulting in a slightly smaller floor. This floor provides access to 21 of the aparthotel rooms and includes small laundry rooms for the ease of servicing rooms.

3.4 The first floor occupies the same footprint as the upper ground floor and provides access to 25 of the aparthotel rooms. Two small laundry rooms are provided in amongst the rooms for the ease of servicing rooms.

3.5 The second floor tapers in further on the north eastern corner to provide further mitigation of amenity impact on no. 13 Elm Road. The footprint therefore reduces in size again. Access to 22 of the aparthotel rooms is made from this floor.

3.6 The third floor sees substantial reductions in footprint as more of the north-eastern corner is reduced as well as the northern and eastern extremities of the façade; this retains a smaller central section forming the high level part of the building. The floor provides access to 15 of the aparthotel rooms, and one laundry room is provided centrally.

3.7 The fourth (and top) has the smallest footprint, occupying just the central section of the main building footprint. Access to 10 of the aparthotel rooms is on this floor along with one laundry room.

3.8 Basement level one provides access to the subterranean duplex rooms. 26 such rooms are accessed from this floor and these represent the only aparthotel accommodation within basement levels. Basement level two does not have any publicly accessible areas as they serve the lower levels of the 26 duplex rooms, which are only accessible from the upper floor. Nonetheless, staff staircases do allow access to this floor, where some area of plant/storage and a laundry room are present. Basement level three includes a restaurant and leisure centre, with two changing rooms, a gym, swimming pool and reception/admin rooms. The restaurant and part of the leisure centre are provided with natural light from above, as they form the bottom level of each light well along the edge of the building. This floor is accessible from the lift near to the ground floor entrance. Finally, a fourth basement level occupies a small section of floor space under basement level 3. The edge light wells do not extend down to this floor and no natural light is provided. The floor provides space for additional plant – no guest accessible space is to be provided on this floor and staff would only need to enter for maintenance purposes..

3.9 A key feature of the internal layout is a central light well, which is approximately 7m x 9m in size, which allows light into the rear parts of the hotel. The light well provides light to all floors of the hotel running from the roof of the building down to basement level 3. From the upper ground floor to the fourth floor, as well as on basement levels 1 and 2, the light well provides light and outlook to bedrooms. On the lower ground floor, the light well provides light and outlook to the large 'back of house' space. On basement level 3, the light well terminates at ground level, providing an accessible landscaped courtyard space, which can be accessed from the swimming pool and gym areas.

#### **4.0 Restaurant and Leisure Facilities**

4.1 The proposal includes a restaurant and small leisure centre (including a gym, swimming pool and changing rooms) on the third basement level. The restaurant will be provided with some natural light as it sits at the bottom of the light well running along the Elm Road elevation. The leisure centre will be provided some natural light as they open onto the central courtyard at the base of the central light well. Whilst your officers would prefer such uses to have greater direct visual interaction with the adjoining streets (for the benefit of the street), there is no objection to the proposed location of the restaurant and leisure offer. It is noted that the street frontages are already activated to a reasonable extent by the ground level windows to aparthotel rooms.

4.2 The application identifies a riser to extract odours from the restaurant within an enclosed area alongside the main lifts – this will not be in close proximity to any of the bedrooms. Environmental Health have commented that this has the potential to result in nuisance caused by noise or odour and has recommended that a condition is attached requiring further details (see section 8.0 below).

4.3 The floor plan layouts show that a lift to the restaurant/leisure facilities will be provided immediately inside the aparthotel's entrance, which could easily facilitate use of the restaurant by the general public. Given the location of the property on the edge of a town centre and the surrounding proximity of town centre retail uses (immediately next to the building along St John's Road and within 100m along High Road) it is not considered that the restaurant or leisure facilities need to be conditioned as ancillary to the aparthotel, given that such uses in isolation would likely be acceptable in this location. Therefore, the use of the restaurant and leisure facilities by members of the public would not be resisted, particularly in view of the subterranean nature of the hotel and its associated lack of likelihood to result in noise disturbance. This is likely to alleviate concerns of noise disturbance which have been raised by objectors.

## 5.0 Amenity Impact

5.1 The Council's SPG17 and draft SPD1 guidance includes parameters for suitable impact on the amenity of neighbouring occupiers. The western and southern edges of the development border with the public highway and will therefore not affect private amenity spaces. The building's northern edge sits along the boundary with 10-12 St John's Road. This site accommodates a church. Whilst the development will impose a large built form of three storeys directly alongside the southern boundary of the site, the aparthotel has been designed without north elevation windows and the aparthotel will not rely on the outlook of the neighbouring church site. Given the lack of residential uses on the adjoining site, it is not considered that the presence of the new hotel building will incur an unduly detrimental impact on the church site.

5.2 Residential properties along St John's Close adjoin the church site to the north. St John's Close tapers in to the south, to the point where the back edge of the garden at no. 4 St John's Close comes within 4m of the proposed north-eastern corner of the aparthotel. For the extent of no. 4 St John's Gardens width, the aparthotel has a reduced massing (one storey only on the far eastern edge and two storeys further west). When applying SPG17's degree rule guidance, this property passes the tests by virtue of the reduced massing directly behind the garden; this includes the 45 degree test, taken at a height of 2m from the back edge of the garden and the 30 degree test, taken at a height of 2m from the back edge of the dwellinghouse. The house adjacent to this (no. 3) which is the next closest at 9.5m from the edge of the aparthotel building, passes the 30 and 45 degree tests for the entirety of the building.

5.3 The most sensitive adjoining relationship is with no. 13 Elm Road to the east. The applicants have designed the building so as to reasonably reduce the impact to the view from the rear windows and rear garden of this property. The building does not extend alongside the garden immediately against the boundary, except below a height of 2m on the lower ground floor. The upper ground floor and first floor are set in from the eastern boundary to soften the impact with the neighbouring property. This includes a 1.4m set in from the boundary for the first 1.7m of the garden depth, which then steps out to a 3.25m set in, which then continually splays away from the boundary to a maximum set in of 5.3m from the boundary at the rear edge of the neighbouring garden. The second floor is set in by 6.5m from the boundary and has a wall which splays away from the garden boundary to 8.9m by the rear edge of the neighbouring garden. The third and fourth floors are set in substantially from the shared boundary with no. 13 (by more than 18m). The development complies with SPG5's 1:2 guidance for the first 2.75m of projection depth beyond the rear wall of the neighbouring property. The Design and Access statement also demonstrates the development's 45 degree relationship with the garden (as measured by drawing a 45 degree line from the shared boundary towards the development at a height of 2m, as seen from a rear elevation). The development does not fall entirely underneath the line until the rearmost part of the garden, however all breaches of the line are only marginal: generally only parapets breach the line. Whilst there will be an acknowledged loss of light and amenity to the garden of no. 13 Elm Road and the nearest houses further to the east it is not considered that these will be unduly detrimental given the small scale breaches of guidance in the context of the large scale of this development. It is also acknowledged that the applicant has made significant design concessions to soften the impact on the neighbouring properties.

5.4 The upper ground, first and third floors will all have east facing windows that would allow overlooking of the private garden space at the rear of the properties to the east. A condition will require that these windows are obscure glazed and non-opening at low level in respect of the upper ground and first floors, however the third floor is sufficiently set back from the boundary with no. 13 Elm Road (>18m) to alleviate concerns that privacy of residents may be compromised. Furthermore, at this height, it is unlikely that hotel guests will have a direct line of sight to the nearest garden spaces given the expanse of roof that is between the windows and the garden.

5.5 The relationship on the south and west elevations is less sensitive given the wide expanse of highway separating the hotel from existing properties. Nonetheless, the applicants have shown 30 degree line relationships between the lowest front facing windows and the development to demonstrate compliance with

SPG17 guidelines in relation to overbearing impact. The development sits under the 30 degree line when measured from the lowest windows of the nearest properties along St John's Road and Elm Road. This also takes account of the taller central elements of the building.

5.6 Where developments do not fully comply with SPG17 guidelines (as is the case with the relationship on the east boundary), it is often requested that applicants provide a professional daylight and sunlight analysis of surrounding properties to consider whether any nearby properties will be unduly affected in accordance with established BRE criteria. The applicant has provided a daylight and sunlight analysis in accordance with BRE standards. The full report is available for viewing on the Council's website and it is ultimately concluded that none of the affected properties will be affected to the point where any nearby windows fail the relevant BRE standards. Perhaps most critically, the two rear facing windows within no. 13 Elm Roads outrigger projection and two side facing windows within no. 15 Elm Roads outrigger projection will all retain a Vertical Sky Component (VSC) of at least 80% of their existing value, thus meeting BRE criteria. The overall results of the Daylight and Sunlight survey are considered to be positive, particularly given the relatively dense, town centre fringe location.

## **6.0 Internal Accommodation**

6.1 The Council does not have policies regarding the quality of hotel or aparthotel rooms. However, the layouts proposed appear to be typical of such uses. The use of duplex rooms for the basement will have two sources of light and outlook to offset the lack of views across the street. The use of a central light well with a landscaped base will also provide a source of light and outlook to the centrally located bedrooms. The plans include details of kitchen ventilation within a riser and an extract at roof level. Kitchen odours will rise within a closed chamber adjacent to the main lift shafts and away from hotel rooms.

6.2 Inclusive access is to be integral to the design of the hotel. London Plan policy 4.5 requires at least 10% of hotel rooms to be wheelchair accessible and the aparthotel will provide 13 such rooms (10.2%) to achieve this requirement. The floorplans confirm that the accessible bedrooms are those which are closest to the lift accesses and are shown to include appropriate wheelchair turning spaces within bedrooms and their en-suites. None of the accessible bedrooms are to be subterranean or duplex in design and will all be contained within the Ground and above floors. In accordance with Brent Policy DMP6, the application has been accompanied by an Accessibility Management Plan (AMP) within the D&S statement to demonstrate that the management and operation of accessible rooms is integral to the hotel's design. The AMP confirms that accessibility and inclusion will be monitored throughout the life of the development and that revisions will be made post-planning to reflect the operators operational and management policies.

6.3 Elements of inclusive access as detailed within the AMP include:

- Taxi drop off meet and greet service for disabled guests
- Proximity of local car parks for blue badge parking for disabled visitors
- Step free access from street to the hotel reception, lounge, restaurant, leisure facilities and all 13 accessible rooms
- Wide corridors (at least 1500m)
- Lift lobbies with turning spaces of at least 1800mm x 1800mm
- Accessible aparthotel rooms to meet or exceed minimum requirements and provisions of ADM for sleeping accommodation – according with AD M and BS 8300, providing suitable circulation and manoeuvring space and suitable storage and alarm systems
- Additional equipment to assist disabled guests which will be reviewed throughout lifetime – to include vibrating fire pillow pads for guests with hearing impairments, toilet seat risers, mobile hoists
- Emergency egress procedures for disabled people, including staff training in such procedures
- Staff training in disability equality issues and the use of equipment
- Where possible, the registering of disabled guests needs ahead of arrival and consideration of individual needs throughout each stay
- Re-drafting of the AMP following occupation and continual monitoring and review on a quarterly basis
- Appointment of a member of staff as an accessibility coordinator to monitor customer feedback and improving, monitoring, allocating and managing aspects of disabled access and adaptability
- Adherence to accessible design principles in respect of legibility of environment, circulation, door clearances and widths, step-free alternative provision in all instances, handrail standards and stepped route standards with visually contrasting nosings, passenger lift standards
- Lighting and internal finishes to be designed in the interests of improving ease of use for those with disabilities
- Clearly legible wayfinding and signage and slip resistant flooring



6.4 The AMP is considered to be thorough and it will be necessary for the aparthotel to operate in strict accordance with the AMP for the development to be acceptable.

## 7.0 Transport

7.1 The scale of this proposal is such that it could have an impact on local transport networks. A Transport Statement and Travel Plan have therefore been prepared by RGP Consultants and submitted to quantify and then mitigate any impact.

7.2 In terms of car parking, whilst the site lies within the Wembley Area Action Plan zone, there are no separate parking standards for hotels set out in that document. The standards set out in Appendix 1 of the adopted DMP therefore apply and these allow only disabled and operational parking to be provided for hotels with good access to public transport services. The absence of any proposed parking for the hotel therefore accords with standards.

7.3 Disabled Blue Badge holders would be able to use nearby on- and off-street parking bays in the area. The operation of a CPZ in the area would deter car-borne guests from parking in nearby residential streets and encourage them to use nearby public off-street car parks in the area instead, such as St. John's Road, Elm Road or Wembley Central car parks. The excellent access to public transport services should also help to minimise car trips to the site.

7.4 One coach parking space should also be provided for every 50 bedrooms, giving a requirement for two spaces for this new hotel. However, the proposal is for an apart-hotel, which includes larger rooms with cooking facilities intended to attract longer-stay customers, such as families (26 duplex apartments for family sized groups are proposed) or long-stay business trips.

7.5 The applicant states that such visitors are less likely to be arriving in large groups by coach. There is little data on the TRICS national database on apart-hotels, but a review of other apart-hotels in London by Brent's Transport officers suggests that there is very little, if any, demand for coach parking for such businesses.

7.6 A coach management strategy has also been submitted setting out the policy towards coach bookings (i.e. they will not be accepted and any web-based booking system will limit guest numbers for group bookings). In the unlikely event that a coach does require parking for the hotel, staff will direct them to alternative locations in the area. This is not ideal, as the coach would still wish to stand at the site when dropping off and collecting passengers, but it is noted that there would be sufficient space within the service yard to accommodate a coach if required, as long as this area is managed.

7.7 As such, the coach parking requirements can be relaxed, subject to the future operation and regular review of the submitted Coach Management Plan being secured by condition.

7.8 Taxis can also be expected to set down and collect visitors and a carriage driveway on the western side of the site is proposed for this purpose, accessed via two crossovers onto St. John's Road. The new and widened crossovers will need to be provided by the Highway & Infrastructure services at the developers expense, including the removal of guardrailing.

7.9 The London Plan requires three short-stay bicycle parking spaces for guests and seven long-stay spaces for staff. The proposed provision of four and nine spaces in suitable areas respectively is more than sufficient to satisfy requirements.

7.10 Servicing by 8m rigid vehicles is required for the hotel under the standards set out in Appendix 2 of the DMP and the provision of a service yard at the northern end of the building accessed from St. John's Road is sufficient to satisfy this requirement. Vehicles will be required to reverse into the service yard, which suits the fact that the width and height restrictions on St. John's Road to the north of the site mean that many delivery vehicles can only approach and leave the site from the south, so will need to turn within the service yard entrance. Tracking has been provided to demonstrate that the access arrangements can accommodate large refuse vehicles.

7.11 A Delivery & Servicing Management Plan has also been submitted with the application to help to manage future deliveries. Eight weekly deliveries are anticipated, with the largest being refuse collection vehicles, with three linen collections per week in box vans. These delivery vehicle movements will be pre-planned, with the aim of avoiding peak hours and ensuring that no more than one vehicle needs to use

the service yard at any time. These measures are welcomed.

7.12 Pedestrian access is proposed directly from the corner of St. John's Road and Elm Road, which is fine.

7.13 In terms of transport impact, existing trips to and from the site have been estimated through comparisons with three other hotels in outer London. This suggests that the hotel currently generates 7 two-way vehicle movements in the morning peak hour (8-9am) and 5 two-way movements in the evening peak hour (5-6pm).

7.14 A more robust assessment should ideally have been undertaken through surveys of the existing hotel though. Indeed, historical data is available from 1994 for the hotel, which suggests that with the recent and approved extensions, the existing hotel could be expected to generate 9 two-way vehicle movements in the am peak hour and 7 in the pm peak hour.

7.15 For the proposed apart-hotel, estimates of future trips have been based upon data from a block of serviced apartments in Glasgow. However, the use of just one site to obtain trip rates is not robust, particularly as serviced apartments do differ from an aparthotel, in that they are typically larger (i.e. two+ bedrooms rather than one), so would attract a different clientele to an aparthotel.

7.16 To provide a robust assessment, future trips should instead be assessed on the basis of data for hotels (or aparthotels, if reliable survey information can be obtained) or surveys of the existing site.

7.17 Nevertheless, growing up the 1994 survey data results for the site to 128 rooms would give an estimated two-way vehicular trip volume of 17 cars in the am peak hour and 14 cars in the pm peak hour, which represents a reasonable worst-case. Given the absence of parking within the site, these trips would be dispersed across nearby off-street car parks and on-street parking bays. As such, the impact of any predicted additional trips on any one junction or road link in the area is not considered likely to be significant enough to require any further analysis.

7.18 Nevertheless, to help to mitigate traffic impact, a "Framework" Travel Plan has been submitted for the hotel. However, as the development is very clearly defined and as an operator has been identified, there is no reason why some of the more ambiguous commitments cannot be firmed up within a "Final" Travel Plan.

7.19 The submitted plan sets out a range of measures to be implemented by a Travel Plan Co-ordinator for both staff and guests (travel information on notice boards, website etc., marketing and promotion, loans for cycle & season ticket purchase, promotion of car sharing, Car Clubs etc.), with the aim of achieving a 20% fall in the actual number of staff driving to the site, a 15% rise in staff walking/cycling to the site and a 10% rise for guests using public transport over 3-5 years. Progress towards meeting these targets will be monitored on an annual basis over five years.

7.20 The targets are not particularly well defined though in terms of actual figures and timeframes, partly because of the absence of any estimated baseline modal share figures. The Travel Plan has therefore failed the ATTrBuTE assessment and baseline modal share figures and better defined targets need to be provided accordingly.

7.21 It should also be mentioned that Car Clubs may not be particularly useful for guests unless they are already members of that particular Car Club, due to the need to provide a permanent UK address to enrol. Emphasis is also placed on achieving discounts for staff for public transport trips, but TfL's view is that discounts are factored into season ticket prices, so the emphasis should therefore be on ensuring staff are offered interest-free season ticket loans.

7.22 In conclusion, the likely transport impact of the proposed aparthotel is considered to be acceptable, subject to operation of the Coach Management Plan and a revised Travel Plan being secured by condition or legal agreement.

## **8.0 Environmental Health**

8.1 The Council's Regulatory Services team have considered the proposals and the technical supporting reports.

### **8.2 Noise, Vibration and Insulation**

The applicant has submitted a report which assesses the internal noise and vibration of the proposed aparthotel, given existing environmental conditions. The report concludes that the internal noise levels

demonstrated will not give rise to significant adverse effects on health and the quality of life of occupants of the development. This report has been reviewed separately by Brent's regulatory services who agree with the conclusions of the report.

Plant equipment will be required for the proposed building, which has the potential to result in noise and disturbance of surrounding sensitive uses. Details of plant equipment, including projected noise levels are accordingly recommended to be secured through condition.

In terms of vibration from rail sources, residential developments must be designed to ensure that there is low probability of adverse comment as per BS6472. Specifically, the following vibration levels (Vibration Dose Values; VDV) must not be exceeded due to the road, rail or industry. However, restrictions on vibration should not be required in this case due to the short duration of exposure to potential guests. The aparthotel would be restricted for short stays only and the main source of vibration would be the Chiltern railway line which is at least 70 metres away from the proposed development, and mainly out of sight.

In terms of ground borne vibration, a piling method statement is recommended to be secured by condition to evaluate potential impacts of ground borne vibration associated with the construction process and it is noted that this requirement is shared by Thames Water (see section 9.0 below).

### 8.3 Demolition and Construction

In line with other Major development proposals, it is recommended that a demolition and construction management statement is secured through condition to promote best practice in the construction in the interest of limiting noise, dust and other disturbance associated with development.

### 8.4 Vehicular Activity

Environmental Health have commented on the potential noise associated with construction traffic, and have questioned whether restrictions can be imposed on the hours upon which vehicles may access the site. Noisy construction works are restricted through Environmental Health legislation which generally acts to mitigate the potential impacts of noise associated with construction. A condition cannot control matters outside of the application site and could not restrict the hours that vehicles can use the adopted public highway.

### 8.5 Structure-borne Noise

The Council's Environmental Health Officers have questioned whether works to the structure of the proposed building could be undertaken in a two-hours on, two-hours off working pattern to reduce the noise and vibration associated with construction. This could not reasonably be required of a construction process as it would add significant cost to the development. It would also significantly extend the construction period resulting in a significantly greater level of impact on surrounding residents.

### 8.6 Kitchen Extract Systems

The proposal will include commercial kitchen facilities and as such, it is recommended that a condition is attached to ensure that suitable details of the kitchen extract are secured and implemented prior to the building's occupation to mitigate potential impacts associated with odour and noise.

### 8.7 Deliveries and Opening Hours

The subject site is accessed via residential streets and Environmental Health have questioned whether

conditions may be attached restricting the hours of servicing. However, servicing is to be undertaken within a dedicated internal servicing bay and recent TfL initiatives have promoted servicing outside of peak hours where traffic levels are less (and thus the servicing does not contribute excessively to road congestion or adverse air quality). As such, on balance it is considered beneficial to not restrict the hours of servicing.

## **9.0 Flooding and Drainage**

9.1 Brent's Local Lead Flood Authority notes that very little information has been provided in relation to surface water discharge and how this will be managed. A statement has been made confirming storage will be provided, but there is no mention of any quantity. Nonetheless, the development is small and is within Flood Zone 1. There are no historical records of flooding affecting this area. A condition is recommended requiring the applicant to provide full drainage details and surface water management on site. Given the low risk of this area, it is considered appropriate to secure this through condition as it is not necessary for these to be assessed prior to the determination of this planning application.

9.2 Given the lack of information, Thames Water have not been able to determine the waste water infrastructure needs of the application. As such, a Grampian condition has been recommended requiring a drainage strategy detailing drainage works to be approved prior to commencement of development. The condition should also require that no discharge of foul or surface water from the site shall be accepted into the public system until the approved drainage works have been completed.

9.3 Thames Water advise Brent that no piling shall take place until a piling methodology statement containing appropriate detailing of depth, type, methodology, prevention measures for damage to sewerage infrastructure and the programme for works is submitted and approved by the Council, in communication with Thames Water. A condition will be attached to this effect.

9.4 Thames Water have advised Brent to advise the developer in respect of groundwater discharges to the public sewer, to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer, the use of a fat trap since catering is proposed as well as further advice on flow rates in respect of sewer discharge. This information will be communicated to the applicant through an informative.

## **10.0 Landscaping and Trees**

10.1 Landscaping will be incorporated into two parts of the proposal, firstly along the proposed frontage where planters will be incorporated along the base of the light well railings. This will improve the appearance of the proposal whilst providing screening of the light well which will immediately abut the footway. Further details of the planting, including species and density will be required by condition to ensure the railing planters are likely to be effective in their improvement of visual amenity.

10.2 The second landscaping proposal is in the form of tree planting to the enclosed courtyard, at the base of the internal light well, at the basement level containing the restaurant and leisure offer. The Courtyard will be accessible to guests/restaurant users/leisure users and will be the central visible feature for suites located centrally in the aparthotel. The plans provide basic detail, indicating the planting of four small trees within the courtyard and confirmation of a 'landscaped' arrangement. The tree officer has indicated that it is likely to be difficult to cultivate trees in an enclosed light well within a deep basement. Nonetheless, considering that the landscaping will not be visible to the public and that there are no policies or guidance with which hotel accommodation can be assessed, it is not considered necessary to request further information on this aspect. It will therefore be left to the hotel management to consider appropriate courtyard landscaping.

10.3 A tree plan has been submitted by the applicant and has been reviewed by Brent's tree officer. The plan identifies existing tree locations in and around the site. It is shown that 11 low grade C and U trees are located around the northern and eastern edges of the site. A grade B Hornbeam and a grade C Alder tree front the development on the south side and are located within Council land on the public footway. Furthermore, a grade B sycamore tree is present to the north of the site forming part of the neighbouring property's backland. The arboricultural report submitted confirms that all 11 low grade trees will be removed. Most of these trees are not visible from the public realm and offer limited visual improvement at present. The report also confirms that the two Grade B trees as well as the publicly owned Cat C tree will be retained. Their retention will be assured through a tree protection plan which proposes to erect protective fencing around these two street trees. The report confirms that the protective fencing will be type BS grade tree protection fencing. The full tree survey and protection plan has been reviewed by Brent's tree officer and it is confirmed that the methodology and protection plan proposed are acceptable and that the protection plan should be secured by condition.

10.4 The applicants only own a thin strip of footway at the front of the development, with the remainder of the footway in public ownership. Brent's tree officer has requested a contribution of £10,000 to enable the planting and maintenance of 7 street trees in front of the hotel, within Council land. This is considered important in improving the landscaping amenity offer at the front of the hotel and to further mitigate any detriment imposed by the visibility of the basement light well. The payment of this contribution has been agreed with the applicant and will be secured through the S106 agreement.

## 11.0 Summary

11.1 The proposed development is considered to be acceptable for the reasons discussed above and your officers recommend that planning permission is granted

## SUSTAINABILITY ASSESSMENT

The applicant has included Energy and Sustainability Statements to demonstrate their sustainability strategy. The two main considerations in respect of this development are the Mayor's requirements for carbon savings within Policy 5.9 of the London Plan and the BREEAM rating of the development. Both of these aspects are discussed in detail below. In addition to this, the applicant's reports include small sections where it is explained how land use, impacts on neighbours from demolition and construction, surface water flooding, biodiversity, reuse of buildings, daylight and sunlight impacts and micro-climate will be managed to ensure the development maximises its sustainability. The sustainability report also confirms that the water efficiency of the development is in line with recommended BREEAM targets, through the use of water efficiency fittings resulting in a reduced water consumption. The report also refers to materials and waste, whereby 100% of timber used will be sourced from accredited Forest Stewardship Council (FSC) sources of Programme for the Endorsement of Forestry Certification (PEFC) source. Product holding responsible sourcing certifications will be specified for the main building elements (walls, floors, roof).

### Carbon Savings

#### **Be Lean**

The applicant proposes passive energy efficiency measures in the development through the enhancement of u-values, improvements in air tightness and insulation to reduce air infiltration and associated heat loss and reducing reliance on artificial lighting through the maximisation of natural light.

The applicant proposed active design measures in the form of high efficacy lighting, mechanical ventilation that includes heat recovery (MVHR), comfort cooling, controls and sensors to keep lights off in areas of infrequent use and to manage heating and cooling systems, monitoring equipment and systems to monitor energy use and adherence to the principles of the cooling hierarchy as specified within Policy 5.9 of the London Plan.

Following the implemented above measures, the building's regulated CO<sub>2</sub> emissions are shown to reduce by 8.2% (34.0 tonnes per annum).

#### **Be Clean**

Whilst no existing heat network is present, a decentralised communal heat and power (CHP) system is to be included within the development, which could connect to a district heat network at a later date.

The applicant has considered the likely daily heat demand profiles as well as how the heat demand is likely to fluctuate throughout the year so that the CHP will be equipped with a correctly sized engine that will allow it to operate efficiently. Information is included to demonstrate these considerations. Following studies, the applicants have selected a CHP system with a total thermal output of 182kW and an electrical output of 93kW to maximise carbon reductions.

The CHP will achieve substantial carbon savings for the development, with regulated CO<sub>2</sub> emissions reducing by 32.3% (134.1 tonnes per annum) as a result of this. This accounts for about 80% of the CO<sub>2</sub> reductions proposed across the whole site.

Following the application of be clean and be lean measures, the carbon reductions reduce from the baseline total regulated emissions of 415.5 tonnes CO<sub>2</sub> per annum to 247.4 tonnes CO<sub>2</sub> per annum. This represents a saving of 168.1 tonnes CO<sub>2</sub> per annum, or 40.5% over the baseline Building Regulations standards as specified within Part L of the 2013 regulations.

## Be Green

The applicant has considered the addition of renewable technologies to the aparthotel. The following were considered:

- Biomass
- Ground/water source heat pumps
- Air source heat pumps
- Wind energy
- PV panels
- Solar thermal panels

The applicant's energy statement has rated the feasibility of each on grounds of their length of effectiveness, maintenance and impact on external appearance. Whilst some technologies would be feasible for the development, the applicant notes that there is not a need for inclusion of any specific renewable technologies as the development is already exceeding the London Plan target via the incorporation of Lean and Clean measures.

The Mayor's Policy requires that a minimum 35% reduction in carbon emissions compared to the 2013 building regulations is achieved through sustainable measures. The achievement of 40% reductions is therefore in excess of the minimum standard. Whilst renewable technologies would be welcomed, it is also accepted that the building achieves the minimum standard in this respect. The Mayor's policy requires all remaining carbon emissions (247.4 tonnes/annum) to be accounted for through a carbon offset payment equivalent to £60/tonne for a period of 30 years. The Carbon Offset payment in this instance would therefore equate to £445,320. The contribution will be secured within a S106 agreement.

## BREEAM

A BREEAM pre-assessment has been carried out and indicates that the development is capable of achieving an 'Excellent' rating (72.52%) which is welcomed. A condition is however recommended that requires the applicant to submit a Design Stage BRE Interim Certificate to achieve this rating and also Post Construction Stage Review BRE Certificate demonstrating that the Development has achieved BREEAM 'Excellent'.

## CIL DETAILS

This application is liable to pay **£868,756.27\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.  
Total amount of floorspace on completion (G): 6336 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
Hotels	6336	1230	5106	£100.00	£35.15	£642,808.93	£225,947.34

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)	282	
<b>Total chargeable amount</b>	<b>£642,808.93</b>	<b>£225,947.34</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: 17/3188

To: Miss Jones  
GVA  
G V A Grimley Ltd  
65 Gresham Street  
LONDON  
EC2V 7NQ

I refer to your application dated **17/07/2017** proposing the following:

Demolition of existing hotel buildings and erection of a part 3, part 4 and part 5 storey 128 bed aparthotel plus basement accommodation comprising guestrooms and ancillary facilities within a 4-storey basement (situated below the part-basement lower ground floor), together with soft and hard landscaping, servicing, cycle storage and refuse and recycling facilities (revised description)

and accompanied by plans or documents listed here:  
Refer to condition 2.

at **1-7, 9, 11 & 11A Elm Road, Wembley, HA9 7JA**

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: 02/11/2017

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):

A-000-001 Rev P0

A-025-001 Rev P0  
A-025-002 Rev P0  
A-025-003 Rev P0  
A-025-110 Rev P0  
A-025-111 Rev P0

A-100-002 Rev P0 (Proposed Lower Ground Floor Plan)  
A-100-002 Rev P0 (Upper Ground Floor Plan)  
A-100-003 Rev P0  
A-100-004 Rev P0  
A-100-005 Rev P0  
A-100-006 Rev P0  
A-100-007 Rev P0  
A-100-010 Rev P0  
A-100-011 Rev P0  
A-100-012 Rev P0

A-110-001 Rev P0  
A-110-002 Rev P0

A-120-001 Rev P0

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

- 3 No guest or customer of the aparthotel hereby permitted may occupy any part of the accommodation for a period exceeding ninety days in any continuous period of six months. The operator of the hotel shall at all times maintain an accurate register of the full names and permanent addresses of all guests and of the dates of their occupancy of the accommodation. These registers shall be kept for not less than two years from the date of the last entry and shall be made available to be inspected by the Local Planning Authority upon reasonable demand.

Reason: To ensure the development provides an adequate standard of accommodation for guests and fulfils the role of temporary (hotel) accommodation, as required by policy DMP6.

- 4 The premises shall not be used other than for the purpose of apart-hotel and for no other purpose (including any other purpose in Use Class C1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority with the exception of the ancillary use of the areas as shown in the drawings hereby approved as a restaurant and gym/swimming pool/changing facilities which may be used for those purposes.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- 5 The windows on the upper ground and first floors of the eastern face of the building 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 returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- 6 The 13 aparthotel rooms which are Wheelchair Accessible shall be maintained with this level of accessibility throughout the lifetime of the development, unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To ensure a sufficiently accessible development that complies with the London Plan 2011 and Brent Policy DMP6.

- 7 All provisions and details contained within the Accessibility Management Plan contained within the submitted Design and Access Statement shall be implemented from first occupation of the development hereby approved and shall thereafter be implemented and adhered to throughout the lifetime of the development, unless an alternative arrangement is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a sufficiently accessible development that complies with the London Plan 2011 and Brent Policy DMP6.

- 8 The development shall not be occupied unless the coach and servicing area has been provided and is available for use and the details contained within the Coach Management Plan and Delivery and Servicing Management Plan hereby approved shall be fully implemented from first occupation and and adhered to in full throughout the lifetime of the development.

Reason: To ensure that the development will not prejudice the safe and free flow of vehicles along the highways

- 9 The development hereby approved shall not be occupied unless the two proposed crossovers along St John's Road have been constructed in accordance with the plans hereby approved.

Reason: To ensure that the development is fit for purpose and will not prejudice the safe and free flow of vehicles along the highways

- 10 The developer or constructor shall join the Considerate Constructors Scheme prior to commencement of works and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

- 11 The approved cycle storage facilities shall be installed prior to first occupation of the

development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the apart-hotel hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 12 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.

Reason: To protect acceptable local noise levels.

- 13 Details of materials for all external work, including samples which shall be made available for viewing on site or within another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any above ground level works are commenced (excluding demolition). 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 the commencement of the development a Construction and Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

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

- 15 Prior to the commencement of piling, a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, measures to prevent and minimise the potential to disturb the amenities of nearby occupiers, and the programme for the works shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 16 Prior to the commencement of works (excluding demolition and the digging of the basement or foundations), details of the kitchen extract system, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following:
- Plans showing the route the extract duct will take through the building and associated layout of rooms and showing that the flue will terminate at least 1m above the roof height of the building
  - Details of the odour abatement equipment to be installed;
  - Calculation showing that acceptable noise levels (i.e. Good resting conditions) will be achieved in the most affected hotel rooms and specifications of any noise abatement equipment needed to achieve these conditions.

The kitchen extract shall be installed and operated in accordance with the approved details and thereafter maintained in accordance with the manufacturer's specifications.

Reason: To achieve good resting conditions for the hotel residents and to protect the amenity of

neighbouring residents.

- 17 The development (excluding demolition) shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker . The approved strategy shall be implemented in full prior to first occupation of the development hereby approved.

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

- 18 Development shall not commence until a drainage strategy detailing how surface water will be managed on site , including the consideration of the use of SuDS, has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to first occupation of the building hereby approved.

Reason: To ensure that sufficient measures are made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 19 The proposed railing planters shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to their installation. The approved landscaping work shall be completed prior to first occupation of the development hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) the planting scheme, which shall include species, size and density of plants
- b) a landscaping maintenance strategy, including details of management responsibilities;

Any trees and shrubs planted in accordance with the landscaping scheme which within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted within the next available planting season.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- 20 Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior the installation of the lighting. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area.

- 21 Prior to the commencement of works, an Air Quality Neutral Assessment shall be submitted to and approved in writing by the Local Planning Authority. The report must be undertaken in accordance with guidance published by the Greater London Authority (GLA). The assessment shall include mitigation proposals should it be found that the development is not air quality neutral. The measures within the approved assessment shall thereafter be implemented in full throughout the construction and prior to first occupation of the development (where relevant).

Reason: To ensure that the development would not result in a detrimental impact on local air quality.

- 22 Within 6 months of the first occupation of the development, a Post Construction Stage Review BRE Certificate shall be submitted to and approved in writing by the Local Planning Authority. The certificate shall demonstrate that the Development has achieved BREEAM "Excellent" unless otherwise agreed in writing by the Local Planning Authority. The Development shall be maintained so that it continues to comply for the lifetime of the Development.

Reason: to ensure the Development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time.

- 23 The tree protection proposals as contained within the Arboricultural Report prepared by ACS Consulting (dated October 2017), shall be adhered to in full throughout for the full period of construction of the development hereby approved. Two separate meetings shall be arranged between the site manager and Brent's tree protection officer to enable the tree protection officer to observe (1) the erection of the protective fencing and (2) the dismantlement of the protective fencing at the relevant points during construction.

Reason: For assurance that trees are to be protected to minimise negative external impacts of the development.

## INFORMATIVES

- 1 The applicant is advised to review the Council's Code of Construction Practice. Noisy works are permitted:
- Mon-Fri 0800-1800
- Sat 0800-1300
- Audible works should not be carried out at any time on Sundays and Bank Holidays.
- 2 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 [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 3 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 4 The applicant is advised that any hotel signage to be erected requires separate advertisement consent.
- 5 The applicant is advised by the applicant to contact the Head of Highways & Infrastructure to arrange for the crossover works to be undertaken. Such works are undertaken by the Council at the applicant's expense.
- 6 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site boundaries.
- 7 The applicant is advised to contact the Council's tree protection officer, Lawrence Usherwood, on 020 8937 5247 in respect of meeting the requirements for the condition relating to tree protections.

- 8 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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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2017  
06  
17/0387

## SITE INFORMATION

<b>RECEIVED</b>	<b>26 January, 2017</b>
<b>WARD</b>	<b>Tokynghon</b>
<b>PLANNING AREA</b>	<b>Brent Connects Wembley</b>
<b>LOCATION</b>	<b>Cottrell House, 53-63 Wembley Hill Road, Wembley, HA9 8DL</b>
<b>PROPOSAL</b>	Demolition of the existing mixed use building and erection of a part 6, 8 and 13 storey building comprising 64 residential units, with 2 commercial units (Use class A1) located over ground and mezzanine floors fronting Wembley Hill Rd, and associated car and cycle parking spaces, bin stores, landscaping and amenity space
<b>APPLICANT</b>	<b>studioAitken</b>
<b>CONTACT</b>	<b>studioaitken</b>
<b>PLAN NO'S</b>	<p>11473-64-A-01-100 VISUALISATIONS 1 Rev P01  11473-64-A-01-102 VISUALISATIONS 2 Rev P01  11473-64-A-01-103 VISUALISATIONS 3 Rev P01  11473-B-A-01-104 VISUALISATIONS 4 Rev P01  11473-64-A-01-105 VISUALISATIONS 5 Rev P01</p> <p>11473-64-A-05-001 Site Plan Existing A1 1:250 Rev P01  11473-64-A-05-011 Site Plan Proposed A1 1:250 Rev P03  11473-64-A-05-050 Site Location Plan Existing A3 1:1250</p> <p>11473-64-A-05-099 GA PLAN Basement Floor Plan A1 1:100 Rev P02  11473-64-A-05-100 GA PLAN Ground Floor Plan A1 1:100 Rev P04  11473-64-A-05-10M GA PLAN Mezzanine Floor Plan A1 1:100 Rev P03  11473-64-A-05-101 GA PLAN First Floor Plan A1 1:100 Rev P02  11473-64-A-05-102 GA PLAN Second Floor Plan A1 1:100 Rev P02  11473-64-A-05-103 GA PLAN Third Floor Plan A1 1:100 Rev P02  11473-64-A-05-104 GA PLAN Fourth Floor Plan A1 1:100 Rev P02  11473-64-A-05-105 GA PLAN Fifth Floor Plan A1 1:100 Rev P02  11473-64-A-05-106 GA PLAN Sixth Floor Plan A1 1:100 Rev P02  11473-64-A-05-107 GA PLAN Seventh Floor Plan A1 1:100 Rev P03  11473-64-A-05-108 GA PLAN Eighth Floor Plan A1 1:100 Rev P02  11473-64-A-05-109 GA PLAN Ninth Floor Plan A1 1:100 Rev P02  11473-64-A-05-110 GA PLAN Tenth Floor Plan A1 1:100 Rev P02  11473-64-A-05-111 GA PLAN Eleventh Floor Plan A1 1:100 Rev P02  11473-64-A-05-112 GA PLAN GA Roof Plan A1 1:100 Rev P03</p> <p>11473-64-05-A-121 GA PLAN Accessible Flat Affordable A1 1:100 Rev P01  11473-64-05-A-122 GA PLAN Accessible Flat Private A1 1:100 Rev P01  11473-64-A-05-130 EXISTING PLAN Ground Floor Plan A1 1:100 Rev P01  11473-64-A-05-131 EXISTING PLAN Mezzanine Floor Plan A1 1:100 Rev P01  11473-64-A-05-132 EXISTING PLAN First Floor Plan A1 1:100 Rev P01  11473-64-A-05-133 EXISTING PLAN Second Floor Plan A1 1:100 Rev P01  11473-64-A-05-134 EXISTING PLAN Third &amp; Fourth Floor Plan A1 1:100 Rev P01</p>

11473-64-A-05-135 EXISTING PLAN Fifth & Sixth Floor Plan A1 1:100 Rev P01

11473-64-A-06-100 Section A-A A1 1:125 Rev P01  
11473-64-A-06-101 Section B-B A1 1:125 Rev P01  
11473-64-A-06-102 Section C-C A1 1:125 Rev P01  
11473-64-A-06-103 Section D-D A1 1:125 Rev P01  
11473-64-A-06-104 Section E-E A1 1:125 Rev P01  
11473-64-A-06-105 Section F-F A1 1:125 Rev P01  
11473-64-A-06-106 Section G-G A1 1:125 Rev P01

11473-64-A-07-100 EXTERNAL ELEVATION EAST A1 1:100 Rev P03  
11473-64-A-07-101 EXTERNAL ELEVATION SOUTH A1 1:100 Rev P03  
11473-64-A-07-102 EXTERNAL ELEVATION WEST A1 1:100 Rev P03  
11473-64-A-07-103 EXTERNAL ELEVATION NORTH A1 1:100 Rev P03

11473-64-A-07-130 EXISTING ELEVATION East A1 1:100 Rev A  
11473-64-A-07-131 EXISTING ELEVATION South A1 1:100 Rev A  
11473-64-A-07-132 EXISTING ELEVATION West A1 1:100 Rev A  
11473-64-A-07-133 EXISTING ELEVATION North A1 1:100 Rev A

2379/16/B/1A – Landscape and children’s play area – Fifth floor  
2379/16/B/2A – Landscape planting plan – Fifth floor  
2379/16/B/3A – Landscape planting plan – Seventh floor  
2379/16/B/4A – Landscape planting plan – Ground floor  
2379/16/B/5 – Planter construction details

Cottrell House Construction Management and Method Statement Plan - prepared by Jaysam Contractors Ltd - dated January 2017  
Cottrell House Construction Logistics Plan - prepared by Jaysam Contractors Ltd - dated February 2017  
Structa LLP; Report reference 3633-GE001 - dated 16th January 2015

**LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION**

**When viewing this on an Electronic Device**

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

[https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_132350](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_132350)

**When viewing this as an Hard Copy \_**

**Please use the following steps**

1. Please go to [pa.brent.gov.uk](https://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "17/0387" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## RECOMMENDATIONS

It is recommended that the planning committee resolve to refuse planning permission for the reason stated below and set out within the draft decision notice and subject to the stage 2 referral to the Mayor of London.

The proposed development, by virtue the height at 13 storeys, would appear as an excessively tall building which would result in poor transition between the scale of development within the Stadium area and the suburban housing immediately to the west of the development site. Furthermore it would result in a poor visual relationship with the St George's Hotel building to the south of the site. As a result, the development would be detrimental to the character of the area and the streetscene, contrary to Policy DMP1 within Brent's Development Management Policy 2016, policies WEM1 of the Wembley Area Action Plan 2015 and to guidance within Brent's Supplementary Planning Guidance 17 and draft Supplementary Planning Document 1.

That the Head of Planning is delegated authority to issue the decision notice and impose informatives pursuant to the following matters:

Informatives

1. 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 informatives or to vary the reason for the 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.

## SITE MAP



### Planning Committee Map

Site address: Cottrell House, 53-63 Wembley Hill Road, Wembley, HA9 8DL

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This map is indicative only.

## EXISTING

Cottrell House was a part 4-storey, part 8-storey brick structure within Wembley Town Centre, situated along Wembley Hill Road between the junctions of Dagmar Avenue and Linden Avenue. The building was mostly commercial in nature, however some residential uses were present within. The building has recently been demolished in full.

The site is located within the Wembley Growth Area and Wembley Town Centre. It is bounded by Linden Avenue to the south, Wembley Hill Road to the east, Dagmar Avenue to the north and residential units to the east. The site is located approximately 300m to the west of Wembley Stadium.

The surrounding area predominantly comprises residential development to the west and commercial development to the north, south and east.

Wembley Park station is located approximately 950m to the north-east of site. Wembley Stadium station is approximately 160m to the south-east of the site.

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

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. One objection has been received citing concerns regarding impact on light, overshadowing, character, navigability of the street, potential damage to surrounding buildings and noise and other impact associated with construction. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Site history:** This application follows a previous grant of planning permission for a very similar scheme, but which was not as tall as the building proposed.

**General principle of use and development:** The proposed mixed use residential led re-development of the site with commercial uses at ground floor level is in line with the site designations and the site allocation and is considered to be acceptable.

**Housing mix and provision of Affordable homes:** The proposal would deliver 64 new homes of which 24.2 % would be Affordable (with a 75:25 ratio of Affordable Rent to Intermediate) and the proportion of private and intermediate family homes would materially accord with the levels set out within the Area Action Plan (AAP). The proportion of Affordable Rented family homes (25 %) falls below the levels set out in the AAP whilst the overall proportion falls below 25 %. However, this is a result of the additional homes being proposed above the taller element of the development (which contains the private units) and significant changes to the layout of the scheme and the total number of 3-bed Affordable Rented homes has not changed from the previous consent (3 homes). On balance, this is not considered to warrant refusal in itself. The submission demonstrates that this represents the maximum reasonable proportion of Affordable housing and the proposed housing mix is considered to accord with the Local Plan.

**Design, layout, character and appearance:** While the design approach and the general arrangement of the massing reflects that of the consented scheme, the height and massing of the building is greater and this results in a overly abrupt transition from the dense development coming forward further east within the Wembley Growth Area to the suburban residential housing situated directly to the west of the site. This is considered detrimental to the character of the area and refusal is recommended on this basis. The provision of additional new homes is not considered sufficient to outweigh this level of harm.

**Impact on light and outlook:** The majority of the scheme continues to conform with the guidance set out in SPG17 and SPD1. However, the submitted BRE based daylight and sunlight assessment shows that the number of windows affected by the development beyond levels anticipated within the guidance increases from 10 windows (7 serving flats within Crown House and 3 serving windows within St Georges Hotel), an increase from 3 and 1 for the previous scheme.

**The quality of the proposed residential accommodation:** A good standard of accommodation would be provided, with internal floorspace meeting relevant standards and 12.5 % of homes proposed as accessible / easily adaptable. The majority of balconies accord with the Mayor's SPG. Total external amenity space falls

below DMP19 levels, with communal space equating to around 5 sqm per unit (in addition to the balconies). However, the site is in close proximity to an area of public open space.

**Parking and Transport implications:** The site has good public transport accessibility (PTAL of 4 to 5) and the provision of 21 parking spaces is considered to be sufficient, subject to a parking permit restriction for future residents and occupiers. Parking and servicing arrangements remain unchanged from the consented scheme and are still considered to be acceptable.

While the proposal is considered to be acceptable with regard to the majority of planning considerations, the benefit associated with the provision of additional new homes does not outweigh the harm associated with the scale of the building as proposed.

## RELEVANT SITE HISTORY

Planning permission was granted previously for a scheme that was very similar to that now proposed, but for which the taller element of the building was 10-storeys tall rather than 13 as now proposed. 9 fewer residential units were proposed within that scheme:

**16/1698. Full Planning. Granted. 16/06/2017:** Erection of a part 6, 8 and 10 storey building comprising 55 residential units, with 2 commercial units (Use class A1) located over ground and mezzanine floors fronting Wembley Hill Rd, and associated car and cycle parking spaces, bin stores, landscaping and amenity space.

## CONSULTATIONS

Press Notice published on 02/03/2017

Site Notice displayed on 16/03/2017

The owner/occupier of 202 different properties were notified of the application 23/02/2017.

One letter of objection has been received to date, citing the following issues:

Objection	See paragraph
Loss of light, and overshadowing	46-53
Loss of character: There are no buildings of such height this side of Wembley Hill Road. Houses in this street will be dwarfed by this grotesque construction. No objection to tall buildings in general, but they must exist in harmony with their surroundings.	26-33
Difficulties navigating streets for blind people, which would be worsened as a result of the disruption to pavements and the increase in traffic generated by construction works, trucks and other heavy machinery.	86
Damage to buildings in the vicinity as a result of the works and in particular demolition of the existing building and excavation.	86
Disturbance caused by noise associated with building works.	59-63

### Tokington Ward Councillors

No comments received.

### Environmental Health

Environmental health do not object to the proposal but recommend conditions. This is discussed later in this report.

### Local Lead Flood Authority

The Council's Local Lead Flood Authority is satisfied that the applicant's flood risk strategy and flood risk assessment comply with Brent's requirements as well as national policies and guidelines.

The surface water management approach remains unchanged from that approved within the previous application.

### Thames Water

Thames Water have not responded to Brent's consultation letter, however given that the surface water management approach is unchanged from that approved within the previous application, it is not considered that further clarification would be strictly necessary in this instance.

## **Greater London Authority**

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:

1. **Principle of Development:** The redevelopment of the site for a residential-led mixed use scheme within the Wembley Opportunity Area is supported in strategic planning terms.
2. **Affordable Housing:** 27% affordable housing by habitable room is unacceptable. The applicant's viability assessment will be robustly interrogated and the applicant must also fully investigate the provision of grant funding.
3. **Inclusive design:** A condition should be set to secure the Building Regulation requirements M4(2) and M4(3).
4. **Climate change mitigation:** Further information is required regarding the on-site reduction of CO<sub>2</sub> for the domestic and non-domestic elements.
5. **Transport:** Broadly acceptable; however, there is a need to increase adapted cycle parking. All transport related planning conditions, obligations and financial obligations secured in the previous consent should be brought forward if Brent Council is minded to grant consent.

The level of affordable housing is discussed below (paragraphs 8-13). Officers consider that the matters relating to climate change and cycle parking can be addressed appropriately through conditions.

## **Statement of Community Involvement**

Within the Planning Statement, the applicant has set out the level of pre-consultation that was carried out, as required through the Localism Act (2011). The consultation process was based around the following methods:-

An open 'walk-in' exhibition was held on Tuesday 25th August 2015 within Cottrell House on Wembley Hill Road from 3.30pm – 8.30pm.

On Wednesday 19th and Thursday 20th August invitations to the event were issued by hand to some 300 households in the locality of the site as well as commercial units to the western edge of Wembley Hill Road. Ward Councillors were also invited by email.

The event was staffed by representatives from the applicant's development company together with representatives of the consultant design team. A series of exhibition boards showing the site, its context, scheme development and the draft proposals were displayed for discussion with attendees.

The applicant reports that some 20 people visited the exhibition.

## **POLICY CONSIDERATIONS**

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

- National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance (NPPG)
- Technical Housing Standards 2015
- London Plan Consolidated with alterations since 2011 (March 2016)
- Mayors Housing SPG 2016
- London Borough of Brent Core Strategy 2010
- London Borough of Brent Development Management Policies 2016
- London Borough of Brent Wembley Area Action Plan 2015
- Brent Supplementary Planning Guidance 17
- Draft Brent Supplementary Planning Document 1
- Brent's 106 Supplementary Planning Document

## DETAILED CONSIDERATIONS

### Land use principle

1. The subject property is within the boundary of Wembley Town Centre and is designated as being suitable for retail uses and mixed use development. Speciality shops and entertainment uses are also indicated as being suitable. Residential and offices uses are also acceptable town centre uses. The Core Strategy and Wembley Area identify the need to provide 10,000 new jobs and 11,500 new homes within the period of the plan, to 2026.
2. The subject property is also within the boundary of the designated Wembley Growth Area for which significant regeneration has been planned and is currently being delivered. It is within Wembley Area Action Plan Site Proposal W20 (Cottrell House and Norman House) and the Wembley Park/Empire Way Corridor.
3. The Wembley Area Action Plan Site Proposal states the combined site of Cottrell and Norman Houses is suitable for a mixed use development that could include: residential, retail, commercial and community facilities. Residential uses should include amenity space. The indicative residential capacity for the combined site is stated as being 55 units with acknowledgment that it is serviced by good transport accessibility levels. The Action Area Plan also seeks a strong built frontage along the Wembley Corridor with a range of uses, and calls for a 'consistent approach' to the public realm.
4. In terms of the London Plan, the site is located within an Opportunity and Intensification Area (Policy 2.13), a Regeneration Area (Policy 2.14), and a Town Centre (Policy 2.15). As such regeneration and redevelopment schemes, particularly high quality mixed use schemes such as this, are promoted and appropriate. Opportunity Areas Policy 2.13 states that development proposals in these areas should: "seek to optimise residential and non-residential output and densities provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses". London Plan Town Centre Policy 2.15 states specifically that "development proposals and applications ... in town centres should:
  - sustain and enhance the vitality and viability of the centre
  - accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations
  - support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, other consumer services and public services
  - be in scale with the centre
  - promote access by public transport, walking and cycling
  - promote safety, security and lifetime neighbourhoods
  - contribute towards an enhanced environment, urban greening, public realm and links to green infrastructure.
  - reduce delivery, servicing and road user conflict".
5. The site is also located within a designated Strategic Outer London Development Centre (Policy 2.16) which promotes an intensification of development, placing a strong emphasis on creating a distinct and attractive business offer and public realm through design and mixed use development as well as any more specialist forms of accommodation.

### Loss of pre-existing building

6. The last existing uses on the site comprised a total floor area of 2,236sqm made up of 1,906sqm of commercial space (A1, A3 - 655sqm; B1 & B8 - 1,252sqm) with 330sqm residential. This was configured in the following manner: 4 flats to the upper floors of the taller element of the building; a restaurant at the first floor within the lower rise element of the building; and retail at ground floor.
7. The remainder of both elements of the building were in B1 office space with some ancillary storage. The site is now cleared. Wembley is the primary growth area of the Borough as stated in Policy CP1 of Brent Core Strategy and suitable for an intensification of land uses including housing. The Wembley Area Action Plan Site Proposal identifies the potential to redevelop the site for the purposes discussed above, including retail and residential uses as proposed.

### Housing

#### *Affordable Housing*

8. 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 to be delivered in the borough are affordable.

9. Development Management Policy DMP 15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing. It goes on to say that where a reduction to affordable housing obligations is sought on economic viability grounds on major phased developments, and where the proportion of affordable housing agreed is significantly below 50% appropriate provisions to re-appraise scheme viability will be sought and secured by s106 agreement. DMP 15 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 needs.

10. 16 affordable residential units have been proposed for affordable housing, with a 75:25 affordable rent/intermediate split, representing 24.2% affordable housing. This does not meet the borough strategic target that 50% of new homes should be affordable. The proposal would deliver a desirable tenure mix close to compliance with the DMP 15 70:30 affordable rent to intermediate policy split. The applicant however contended that it would not be financially viable to provide additional affordable housing. In line with planning policy, the applicant submitted a Financial Viability Assessment (FVA) undertaken by Savills in support of their contention, which concluded that delivering the scheme with this arrangement, would generate a residual land value below a benchmark land value of £2.46m, resulting in a deficit.

11. Consultants commissioned by the Council have reviewed the FVA, including a consideration of GLA grant sensitivity testing. The Council did not agree with the level of deficit identified within the submitted FVA and it was considered that this would be lower. However, it is agreed that the scheme would ultimately achieve a deficit and that the 25% affordable housing proposed would represent the maximum reasonable amount of affordable housing the scheme can deliver on a nil grant basis.

12. Sensitivity testing was also undertaken with regard to GLA grant, which was assumed to be at a nil level within the FVA. The testing indicated that only 1 to 2 additional affordable housing units could be delivered through the allocation of £28,000 GLA grant per unit across the affordable housing provision on the scheme.

13. It is considered that the Affordable housing proposal (12 affordable rent units and 4 shared ownership units) represents the maximum reasonable amount of affordable housing the scheme can viably deliver in line with planning policy. However, given that the proposal falls significantly below the local strategic 50% affordable housing target, and the sensitivity of the scheme to residential values, build costs and the provision of GLA grant, a post implementation review mechanism is recommended to be secured in the s106 agreement.

*Proposed residential mix*

14. Core Strategy Policy 21 (A Balanced Housing Stock) outlines the need to maintain and provide a balanced housing stock in Brent. These needs include an appropriate range and mix of self-contained accommodation types and sizes, including family sized accommodation (capable of providing three or more bedrooms).

15. The table below shows the proposed housing mix. The proposed proportion of 3-bedroom Affordable Rented and Intermediate units exceeds the Wembley Area Action Plan targets, whilst the overall proportion of 3 bedroom units (17.2%) falls below the target of 25%. However, the proportion of private 3-bedroom units is in line with the area action plan (14.6% with a target for 15%). The proportion of Affordable Rented 3-bed homes falls below the Wembley Area Action Plan target (25 % compared to a target of 50 %). However, this is because the additional homes are proposed on top of the taller (private) element of the scheme and the provision of additional family sized Affordable Rented homes would require significant changes to the layout of the proposed development. The number of 3-bedroom Affordable Rented homes (3 homes) remains unchanged from the consented scheme with the lower proportion due to the increased number of homes. On balance, this is not considered to warrant the refusal of planning permission in itself.

Unit mix by number of units:

	Private	Shared ownership	Affordable Rent	Total
Studio	6	0	0	6
1-bed	14	2	3	19

2-bed	21	1	6	28
3-bed	7	1	3	11
Total	48	4	12	64

Proposed unit mix by percentage of units:

	Private	Shared ownership	Affordable Rent	% Total units
Studio	12.5%	0%	0%	9.4%
1-bed	29.2%	50%	25%	29.7%
2-bed	43.7%	25%	50%	43.7%
3-bed	14.6%	25%	25%	17.2%

Wembley Area Action Plan target mix (percentage of units):

	Private	Shared ownership	Affordable Rent
1-bed	30%	45%	15%
2-bed	55%	45%	35%
3-bed	15%	10%	45%
4-bed	0%	0%	5%

### *Layout and accommodation*

16. The proposed building will broadly replicate the form of the existing building, with a much improved architectural approach and visual appearance. The greatest height and massing is focussed on the southern side of the building. This southern section of the building will contain the smaller of the two retail units at ground floor level and 30 of the residential units in floors 1-6 (five on each floor). The built form narrows at this point, with the building's western side giving way to a communal amenity space. Floors 7-11 are smaller, containing three units each, topping out the building in excess of 30 metres.

17. The northern part of the building covers a longer and thinner footprint than the southern section of the building, and only provides internal accommodation between floors 1 and 4 (4 units on each floor). The fifth floor is occupied by a rooftop amenity space. The north and south sections of the building are served by separate cores, with the north side of the building accommodating the affordable units and the south side of the building accommodating the private units.

18. The building has an active ground floor facing the street comprising retail units together with two residential entrances. This configuration will further help to reinforce the town centre location and provide a more seamless frontage up from the south. The building will sit considerably closer to the public highway than the existing Cottrell House with a much reduced forecourt space.

19. Three private accessible units will have direct entrances off the south side of the street (along Linden Avenue) and are located at the building's mezzanine level. These provide a more domestic scale and feel in keeping with the residential character of Linden Avenue. These also help to provide active frontages at ground level, improving natural surveillance and provide visual animation to the street frontage. Small forecourts with landscaping will be provided to further improve the streetscene.

20. There are two communal entrances to the development: Both along Wembley Hill Road and serving the private and affordable units respectively.

21. Access from the undercroft car parking area to the two main circulation cores is safe and level. Level threshold access will be provided to all communal and private building entrances. Three passenger lifts are distributed in two cores and will take the residents to the accommodation on the upper floors of the two building sections.

22. The communal amenity spaces and gardens located on the fifth (northern part of building) and seventh (southern part of building) floors respectively. As rooftop spaces, these are all level and fully accessible. This is discussed in more details below.

23. All dwellings have been designed to meet the space standards as stipulated in the London Plan (2016).

Eight of these are proposed as accessible dwellings which represents a 12.5% provision. Conditions will ensure that the dwellings are implemented to be compliant with Building Regulations M4(3) (accessible adaptable dwellings) in relation to private and shared ownership dwellings and Building regulations M4(2) (wheelchair user dwellings) in relation to the Affordable Rented dwellings as required by policy. All units have been designed to meet the requirements of Lifetime Homes and the Mayor's London Housing Design Guide standards.

24. All single aspect flats face either south, west or east and all flats have living rooms with large amounts of glazing as well as private outdoor amenity areas which enhance the quality of the new homes.

#### *Density*

25. This site has a public transport accessibility level of 4 and the site has the characteristics of a "central" setting. The London Plan density matrix (Table 3.2) therefore suggests a residential density of between 215 and 405 units per hectare and between 650-1,100 habitable rooms per hectare for this scheme. The density of the proposed development is 396 units per hectare or 1,065 habitable rooms per hectare, which falls within the upper ranges of the density matrix identified by the London Plan.

### **Urban Design**

#### *Scale, Height and Massing*

26. The proposed massing is generally positioned within the footprint of the existing building and respects existing separation distances and building lines. Similar to the existing Cottrell House building, the taller element is positioned at the south eastern part of the site, reflecting the established built form. Nonetheless, as communicated to the applicant during pre-application discussions, it is considered that the entirety of the building needs to be lower in scale than the buildings on the opposite side of Wembley Hill Road (such as York House, Ibis Hotel and Holiday Inn). This is to maintain the transitional scale of development on the western side of Wembley Hill Road. The WAAP also states that this site is 'sensitive' to tall buildings due to the site constraints with the neighbouring properties.

27. The height of the proposal (91.2 m Above Ordinance Datum, or AOD) is only marginally below the height of Ibis Hotel (91.36 m AOD) and notably higher than the height of the Holiday Inn (84.19 m AOD). Furthermore, the proposal is significantly higher than the neighbouring properties on the western side of Wembley Hill Road, with St Georges Hotel (67.0 m AOD) and the proposed building fails to satisfactorily relate to this building.

28. It is considered that the height of the taller element of the building, now proposed at 13 storeys (up from 10-storeys previously approved) is considered to be excessive, resulting in a building of a scale that does not successfully act as a 'transitional building' between the established taller buildings on the east side of Wembley Hill Road and the suburban housing immediately to the west. Your officers consider that the previously approved wing of 10 storeys on the corner section represents the reasonable height given the surroundings, the previous building which reached 8 storeys and the close proximity to suburban housing. At 13 storeys, the change in scale is considered to be so abrupt that it is significantly detrimental to the character of the area.

#### *Architecture and Materiality*

29. The architectural approach of the current proposal in terms of materials is generally supported. The scheme proposes a simple high quality approach to architectural detailing and materials that would complement the form of the building massing. The proposed use of high quality brickwork contrasted with corten steel is supported, and would provide robust and durable elevations which help to articulate the building's different components. The detailing and build quality will however be critical to achieving the highest possible standard of architecture and the Council will secure key details through condition to ensure this is achieved and built through.

30. The windows are generally formed as full height, fixed glazing elements, to optimise natural daylight and views.

31. Mixes of projecting balconies and inset loggias have been developed, which animate the facade and create rhythm and proportion. Projecting balconies are present along the building's southern elevation facing

St George's hotel across Linden Avenue, as well as some at the higher stories facing north. Inset balconies have been placed in the more exposed locations of the building, facing east and west.

32. Two storey corten Steel surrounds articulate spacious entrances from the street into the building at both the affordable and private entrances. Their placement within the otherwise continuous, heavily glazed active frontages makes the entrances clearly recognisable.

33. The future relationship to the adjacent Norman House site has been considered, and the applicant proposes to provide a flank edge with no window facing the Norman House site. This will allow it to be developed flexibly and is welcomed.

#### *External Amenity Space and Landscape*

34. GLA Housing SPG Standard 26 and 27, Private Open Space, states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant and that the minimum depth and width for all balconies and other private external spaces should be 1500mm.

35. No ground floor residential units are proposed and the remaining units all meet the GLA standards as stated in paragraph 25. The two exceptions are flats M1 and M2 at the Mezzanine level, accessed directly from the street along Linden Avenue. Whilst 6sqm of screened forecourt amenity space is provided, the space is not particularly useable and its immediate proximity to the footway does not result in the space having a particularly private nature. However, given the small size of these flats, the low occupancy (2 people) and the town centre location, it is considered that this is acceptable in this instance.

36. The balconies provide private amenity spaces of between 4.5 and 15sqm for all remaining flats, with the majority having between 5 and 9 sqm of private amenity space. Access is usually provided directly from the living-kitchen space. Private landscaped terrace/gardens are provided for some flats, with flat M3 on the mezzanine floor having a 42sqm private garden, Flat 5.5 on the 5th floor having a 19sqm private terrace and flat 7.7 on the 7<sup>th</sup> floor having a 7sqm private terrace. In the case of the latter two, these terraces represent small subdivided parts of communal rooftop gardens which are appropriately screened for privacy.

37. Communal rooftop gardens are present on floors 5 (above the northern wing) and 7 (above the western part of the southern wing) and have different characters. Respectively, these communal gardens measure 208sqm and 115sqm, with the communal garden on floor 5 being designated as a 'roof play' space.

38. The roof play garden does not extend across the full extent of the rooftop, with a significant section to the west being restricted for maintenance access. This is important in ensuring that the existing residences along Linden and Dagmar avenues cannot be overlooked. This maintenance area is to be planted along its edges to reduce any perceived overlooking as well as to enhance the visual appearance of the building's western elevation. The roof garden on floor 7 (which is exclusively for use of the private tenure flat residents) does not have restricted area to remove overlooking, but will have high planting and screening to its north and west aspects to minimise any such overlooking. A glass balustrade will also be in place for safety and protection from wind. As further justification for this arrangement, this garden is located to the south and as such will not provide such a direct view across private gardens as would be possible with the 'roof play' garden.

39. A total of 323 sqm of amenity space is proposed, which equates to an average communal amenity space provision of 5.05 sqm per unit. All but three residential units benefit from balconies that are typically 5 sqm to 9 sqm in size. The scheme therefore provides less than the SPG17 and Policy DMP 19 target of 20 sqm of external amenity space per unit. However, the scheme is immediately adjacent to an area of public open space and in this instance, the deficit in external amenity space is not considered to warrant the refusal of the development.

40. The projected number of children to be accommodated on the site is 18 of which the majority are generated by the social and intermediate housing flats. Based on the GLA play space requirements, developments should seek to accommodate on average 10sqm of outdoor play space per child. With a required maximum provision of 210sqm of play area, this has been provided at roof level above the 4th floor element. Also in accordance with the GLA's formula for play provision, it is likely that 17% (i.e. 3 children) of these children will be 12+. At this age, older children are likely to make use of the nearby local parks with their larger and more active sports related facilities. The number of under 12's generated on the site, 14 children, are more likely to be the main users of the play area within the scheme.

41. The communal roof gardens will be overlooked by a number of apartments further promoting safe and

amenable recreational areas.

42. The provided micro-climate report confirms that the fifth and seventh floor amenity spaces are suitable for the proposed usage during the summer, lasting from April to September, and outdoor comfort conditions will be acceptable for the users. It is noted that instances with increased wind speeds may occur between October and April, during which threshold levels, as defined by the Lawson Criteria and the Beaufort Scale, could be exceeded. Overall, the findings of the report are positive and it is considered that the likely microclimates as experienced on the amenity spaces will be acceptable for users.

43. The communal areas are immediately accessible to residents through the central cores (lift and stairs) with dedicated access doors at opposite ends of the roof play garden, providing communal space for both tenures. The 7<sup>th</sup> floor roof garden is only directly accessible from the southern core and serves the residents of the southern wing more directly. The two 1 bed flats with entrances onto Linden Avenue do not have internal access to these spaces.

44. In terms of external landscaping provision, 14 trees will be planted in the car park, helping to demarcate spaces between car parks as well as visually softening the environment.

45. The proposal will require the loss of three street trees: one Lime tree and three London Plane trees will need to be removed to accommodate the necessary access and works. The Council's tree protection and landscape design officers consider that this loss should be mitigated by the payment of contributions towards ten new street trees (£14,000) along Linden and Dagmar Avenues. This contribution will be secured as part of a S106 agreement.

### **Impact on neighbouring residents – Amenity, sunlight and daylight**

46. The sunlight and daylight study submitted with the application assessed the windows and gardens of surrounding properties. The report acts as an updated version of the report submitted with the previous application (16/1698). The updated report has assessed the impact to the same 89 surrounding windows as assessed previously, these including: 48 windows in the northern façade of St George's hotel and Crown House homes, 13 windows serving 1-3 Linden Avenue to the southwest, 21 windows serving 4-12 Linden Avenue to the east and 5 windows serving 3 Dagmar Avenue to the northwest. Impact has not materially changed to the properties along Linden Avenue and Dagmar Avenue, however increases in impact are identified within St George's Hotel and Crown House flats. The study concludes that the impact would be significant enough to breach BRE guidance levels for daylight within 10 residential windows, seven of which serve the Crown House dwellings to the south and three of which serve St George's Hotel bedrooms. This is a notable increase in daylight loss compared with the previous application (for a 10 storey corner element) where just 4 windows (1 of which served a hotel room) within this façade experienced a loss of daylight beyond BRE Guidance levels. With regard to sunlight, 4 of the 11 windows that were tested experienced a loss of sunlight beyond BRE criteria, these being those serving Linden Avenue dwellinghouses. This represents a small increase in impact compared to the previous scheme where 3 of the 11 windows experienced a loss of sunlight beyond BRE criteria.

47. There are seven amenity spaces in close proximity to the proposed development. The study has noted that there will be no undue impact on the surrounding external amenity spaces as a result of the new built form, having regard to the BRE Criteria.

48. St George's Hotel is the adjoining building to the south. Given the transient nature of a hotel use, less weight is applied to the level of daylight received by the windows of the hotel. The middle floors of this hotel building comprise north facing flats which do not receive direct sunlight by virtue of facing directly towards the existing Cottrell House. This situation will be unchanged alongside the new Cottrell House. There will be a slight reduction in vertical sky component as experienced from these flats and seven of the nine windows associated with the flats will fail the recommended BRE daylight guidelines.

49. No's 4, 8 and 12 Linden Avenue all have half width single storey rear extensions with east facing windows (towards Cottrell House). It is likely that these extensions house kitchens or utility rooms with a sole eastern aspect, although no planning history exists to confirm this. At present, a lift shaft protrudes into the line of sight of these extensions. This lift shaft is approx. 2.75m to the east of the extension at no. 4. The proposed development would remove this obstruction and set in the built form of Cottrell House by 1m (for the part that is to the rear of the building line along Linden Avenue). The built form will however protrude a further 3.5m than the existing lift shaft. Whilst the set in provided on the new building is welcomed, the additional projection depth is likely to incur a net loss of outlook at no. 4.

50. No. 8 and 12 Linden Avenue are significantly far away from the western elevation of Cottrell House (15m and >20m respectively) that the general outlook will remain intact; with the material impact being in the form of some sunlight loss to four windows during the winter months to the east facing extension windows only. These windows are to ancillary parts of the houses and are unlikely result in a significant worsening in living standards.

51. The general primary outlook from the rear elevations of houses along Linden and Dagmar Avenues will only be affected obliquely, with the east/west arrangement of the houses relating to Cottrell House favourably, as the outlook will only be impeded as seen to the far right (in the case of Linden) or left (in the case of Dagmar) of the field of view with the majority of the rearward facing outlook remaining intact.

52. With the exception of the protruding ground floor element on the west side of the building, the remainder of the built form of the proposal meets SPG17's requirement for the building to fall within a 45 degree line, drawn at a height of 2m on the boundary with the nearest property alongside the development (2 Linden Avenue). As such, it is not considered that the height and massing of the building will result in an unduly detriment impact on the amenities of this property.

53. In summary, the assessment demonstrates neighbouring residential units will mostly receive good levels of daylight and sunlight and with the loss of light in comparison to the existing situation typically being within BRE guidance levels. There are some instances where the BRE sunlight guidelines are not achieved, most notably across seven residential windows serving flats at Crown House. Whilst it is accepted that this is a normal outcome of a fairly high density development of this scale in an urban area, the increases in daylight impact compared to that of the previous application with a 10 storey corner element are noted and are considered to add further credence to the unacceptable height and massing proposed.

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

54. The Flood Risk Strategy and Flood Risk Assessment Report were assessed by Brent's Local Lead Flood Authority during the previous application (16/1698). It is considered that the report meets Brent's requirements and that the applicants have followed national policies and guidelines.

55. 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 fluvial or tidal sources. No significant risks have been identified in relation to flooding from other (non-pluvial) sources.

56. The proposed surface water discharge will be restricted to 5 l/sec and this will reduce the surface water discharge to existing surface water sewer system and hence further reduce the risk of flooding in the area.

57. The Foul Sewer System does not fall within the scope of Flood Risk as part of Flood and Water Management Act 2011 and there accordingly is no mention of Foul Sewer discharge in the report. However, the foul sewer system in Wembley Hill Road has a faulty syphon at the point where the pipe goes under the railway tracks at Wembley Stadium Station. The syphon has blocked many times and has caused foul sewage to overflow in Wembley Hill Road. This is the responsibility of Thames Water and the development will need consent from Thames Water regarding discharge rate and to ascertain whether there is adequate capacity in their foul sewer network.

58. Thames Water previously reviewed the surface water discharge proposals within application 16/1698 and were satisfied that the proposal would have an acceptable impact on existing infrastructure, subject to a 5l/s surface water discharge rate being achievable. The applicant's SUDS report confirms that the surface water discharge of the scheme is restricted to 5l/s, meeting Thames Water's requirements.

### **Noise, air quality and land contamination**

59. The measures as laid out in the submitted Noise Impact Assessment are considered to be acceptable to the Council's Environmental Health Officer. A condition is recommended to ensure that the mitigation measures have been implemented.

60. 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.

61. The proposed demolition of the existing building and construction of the new building will be carried out within close proximity to existing residential premises, and the objection that has been received refers to concerns regarding the impact of construction. Whilst there will be some impacts associated with construction and demolition (no matter how large or small a proposal), it is considered appropriate to secure the approval and implementation of a construction method statement to minimise the potential impacts. A construction method statement and a piling method statement were submitted with the application. There is however concern about the proposed driven piling as the piling works will be undertaken close to residential properties which may result in impact on the adjoining dwelling. It is therefore considered that a condition should be attached so that additional information regarding minimisation of noise and vibration disturbance can be considered before piling commences.

62. The air quality impact assessment submitted with the application – Aether/AQA/2015/WHR\_Brent has been assessed. Further information was requested from the applicant as to the emissions from the combined heat and power system proposed as well as consideration of the new IAQM guidance on air quality and planning (issued January 2017). An air quality neutral assessment should also be undertaken on the development for transport and building emissions and the use of 2013 data should be removed in place of more up to date data on air quality levels and possibly for traffic data. Conditions are recommended to revise this information appropriately.

63. The site investigation report submitted with the application; Structa LLP; Report reference 3633-GE001 dated 16<sup>th</sup> January 2015 has been reviewed. The methodology of the report and the conclusions are acceptable to the Council. A condition is recommended so that a remediation strategy can be provided for the further works stated within Section 11 of the report.

### **Transport**

64. Car parking and servicing standards for the restaurant (use class A3) is given in appendix 2 of the Development Management Policies and the retail unit (use class A1) is given in appendix 1 and 2 of the DMP. The site is within the Wembley Area Action Plan and therefore reduced parking allowances are applicable for the offices and residential units.

### **Parking:**

65. The car parking allowance for the existing building is 9.8 spaces and the breakdown is as follows:

- 1 spaces for the retail unit
- 2.9 spaces for the existing offices
- 2 spaces for the existing 4 flats

66. The proposed new 64 flats will have a total parking allowance of 27.8 spaces, whilst the proposed two A1 commercial uses will have a parking allowance of 1 space each, giving a total parking allowance of 26 spaces for the building, which is a significant increase in parking standards.

67. Drawing number 11473-A-05-100P03 / P02 proposes 21 spaces, including 7 disabled bay spaces and 6 electric charging points and the parking will be located on the ground and mezzanine level. This level of parking, including 7 disabled parking spaces, is satisfactory. However, a 'permit-free' agreement should still be applied to discourage any excessive car ownership in the area and ease any concerns of overspill parking. A financial contribution of £5,000 is also sought towards reviewing CPZ's in the Wembley area.

68. The parking spaces will be accessed from Dagmar Avenue only and therefore the existing access from Linden Avenue will be made redundant. The crossover onto Linden Avenue must therefore be reinstated back to footway and the double yellow lines removed to provide further on-street parking for approx. 3 cars.

69. As noted previously, the access onto Dagmar Avenue is not currently wide enough (3.8m) to allow two-way flow into and out of the site, with Appendix H of the Transport Assessment showing vehicular tracking and only one car able to turn into and out of Dagmar Avenue. This will result in vehicles waiting on the Public Highway whilst trying to gain access, which is not welcomed for a car park of this size.

70. However, the access is not owned by the applicant and drawing number 11473A-05-10M shows that the access is shared with Norman House car park. It is not therefore possible to widen the access through this

application, but this could be considered should a redevelopment scheme for adjoining Norman House come forward in the future.

71. In the meantime, the number of parking spaces has been reduced to 21 from the 24 that were originally considered and the even greater total of 28 serving the existing building. The car park and access arrangements as proposed are also unchanged from those previously accepted by the Planning Committee. As such, the continued use of the access to serve this revised development would be fine.

### **Refuse and Servicing:**

72. Appendix 2 of the Development Management Policies require a shared transit sized bay for the servicing of the two retail units. To this end, Appendix I of the Transport Assessment proposes changes to the existing loading bay on Wembley Hill Road to allow loading/unloading to take place from this area, as well as refuse collection for the flats.

73. Changes to the loading bay include lengthening the bay to the north and modifying the entry point. The highway works will need to be carried out under S278 of the Highways Act 1980 at the developer's expense.

74. Bin storage will be located within the site and near the loading bay, which will allow for straightforward collection from Wembley Hill Road. This option is welcomed and agreed with Brent's Refuse & Recycling team and addresses previous concerns with refuse vehicles standing on the steep Linden Avenue, causing difficulties with unloading Eurobins. The Transport Assessment does state (4.15) that two residential units will continue to have refuse collection from Linden Avenue. This is not ideal due to the gradient of Linden Avenue and should be agreed with Brent's Refuse & Recycling team.

### **Cycle Parking**

75. The development proposes 103 cycle parking spaces which satisfy the London Plan. The spaces will be in a secure and covered shed to protect against theft and weather. However, the GLA have requested that two additional adapted cycle parking spaces should be provided. This could be secured through condition should permission be granted.

### **Transport Assessment:**

76. TRICS assessment has been carried out and survey data from 20 sites in Greater London were used to produce estimated trips from this development. The majority of these sites were in Controlled Parking Zones with a good PTAL rating and the sites selected had off-street parking levels ranging from none to a ratio of 1:1 or more.

77. The data shows that the proposed development is estimated to generate morning peak hour vehicular movements of 2 arrivals/5 departures, with 4 arrivals/3 departures forecast in the evening peak hour. No off-street parking has been proposed for the commercial units and therefore fewer vehicle trips are expected from them. These flows represent a low trip generation and so the impact on roads is considered to be negligible.

### **Construction Management Plan**

78. A Construction Management and Logistic Plan dated January 2016 has been submitted with this proposal. This has been reviewed and it is considered that there are some shortfalls and that a revised, up-to-date Construction Plan should be submitted. This can be secured through condition if permission is granted.

### **Highway Works**

79. As with the previous consent, it is considered that the following Highway Works should need to be secured through the Section 106 agreement if permission was to be granted, with those works be completed under a Section 278 Agreement of the Highways at 1980:

1. Amendments to the existing loading bay on Wembley Hill Road
2. Removal of redundant crossovers on Wembley Hill and Linden Avenue to be reinstated back to footway
3. If the access on Linden Avenue is made redundant then on street parking bays should be provided. This will also require amendments to the Traffic Road Order.



4. On street cycle stands
5. Temporary Traffic Management and Temporary Road and Footway Closures.
6. Resurfacing of the footway on Wembley Hill Road after construction has been completed.

The Section 278 Agreement would need to be entered into prior to any construction works commencing on site.

80. To summarise transport considerations, there are no objections on transportation grounds to this proposal subject to the provision of financial contributions towards a review of Controlled Parking Zones in Wembley, the highway works listed above, the withdraw the right of future occupants to on-street parking permits, the approval of a revised construction management and logistics plans and to implement Travel and Delivery & Servicing Plans.

### **Energy and Sustainability**

81. The application has submitted an Energy and Sustainability Statement to support the application.

82. London Plan policy 5.2 requires a reduction in carbon dioxide emissions of 40% based on 2010 Building Regulations (equivalent to 35% based on the 2013 regulations) as minimum but ultimately seeks a carbon neutral development, with any remaining carbon emissions to be offset through payment to the local carbon off-setting scheme. The Energy Statement indicates the scheme will include a number of carbon saving measures, although the key contributors to this will be the use of CHP and PV panels, resulting in a 35.28% improvement on Part L of the building regulations 2013. This will need to be secured by condition or section 106 agreement, and after completion should this not be achieved a contribution will be required to the local carbon off-setting scheme.

83. Core Strategy policy CP 19 requires non-residential development to achieve BREEAM excellent. The BREEAM pre-assessment demonstrates that a 'Very Good' rating is predicted and can be achieved and that an 'Excellent' rating is aspired to, which is in line with the previous consent.

84. London Plan policy 5.6 sets out the energy hierarchy, requiring major developments to connect to existing or heating or cooling networks, or if this is not possible include site wide CHP. There is not an existing network, however, the establishment of a network has been found to be feasible and is proposed. As such Wembley Area Action Plan WEM 30 requires developments completed prior to the completion of the heat network to be designed so that they can switch to the heat network when it is available. The energy statement sets out that provision of both future connection points within the plant room and appropriate ducting through the external envelope to enable a district heating system to be installed at a later date will be provided. This would be secured by condition if permission was to be granted.

85. London Plan policy 5.15 states residential developments are to be designed to meet the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use. It is highlighted this will be sought, but final calculations based on sanitary ware specifics will need to be undertaken. This would also be secured by condition if permission was to be granted.

### **Response to other matters raised by the objector**

86. The objector has also raised concern regarding other impacts associated with construction, including potential difficulties navigating past the development during construction and potential damage to surrounding buildings as a result of the works. It is not clear whether full footway closures will be required. However, if they are, these must be approved by the Council (but not through the planning regime). Access to and around the site is considered by the Council for any such proposals. However, this cannot be considered as a part of this planning application. Any potential damaged caused as a result of the construction of a development (however large or small) also cannot be considered within a planning application.

### **Conclusion**

87. The proposal largely reflects the existing consent relating to this site. However, this scheme includes three additional floors within the taller element of the scheme, increasing the height of this from 10-storeys to 13-storeys. While this results in an increase in the number of new homes, including affordable homes, it is considered that the benefits associated with the proposal do not outweigh the harm to the character of the area associated with the resultant overly abrupt change of scale between this site and the adjoining properties. It is therefore recommended that members resolve to refuse this planning application, subject to the stage 2 referral to the Mayor of London.

## CIL DETAILS

The proposal would be liable to pay CIL as set out below in the event that an appeal is made to the Secretary of State and such appeal is allowed. A CIL Liability Notice will be issued to the agent, applicant and any other parties who have an interest in the land and who are known to the Council, in accordance with Reg 65(3) of the CIL Regulations 2010 (as amended).

This application is liable to pay **£1,543,444.61\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 5587.1 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	5038.3		5038.3	£200.00	£35.15	£1,268,571.96	£222,951.52
Shops	548.8		548.8	£40.00	£35.15	£27,636.00	£24,285.13

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)	282	
<b>Total chargeable amount</b>	<b>£1,296,207.96</b>	<b>£247,236.65</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.**



To: Ms Aitken  
studioaitken  
105 Southwood Lane  
London  
N6 5TB

I refer to your application dated **26/01/2017** proposing the following:

Demolition of the existing mixed use building and erection of a part 6, 8 and 13 storey building comprising 64 residential units, with 2 commercial units (Use class A1) located over ground and mezzanine floors fronting Wembley Hill Rd, and associated car and cycle parking spaces, bin stores, landscaping and amenity space

and accompanied by plans or documents listed here:

- 11473-64-A-01-100 VISUALISATIONS 1 Rev P01
- 11473-64-A-01-102 VISUALISATIONS 2 Rev P01
- 11473-64-A-01-103 VISUALISATIONS 3 Rev P01
- 11473-B-A-01-104 VISUALISATIONS 4 Rev P01
- 11473-64-A-01-105 VISUALISATIONS 5 Rev P01
  
- 11473-64-A-05-001 Site Plan Existing A1 1:250 Rev P01
- 11473-64-A-05-011 Site Plan Proposed A1 1:250 Rev P03
- 11473-64-A-05-050 Site Location Plan Existing A3 1:1250
  
- 11473-64-A-05-099 GA PLAN Basement Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-100 GA PLAN Ground Floor Plan A1 1:100 Rev P04
- 11473-64-A-05-10M GA PLAN Mezzanine Floor Plan A1 1:100 Rev P03
- 11473-64-A-05-101 GA PLAN First Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-102 GA PLAN Second Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-103 GA PLAN Third Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-104 GA PLAN Fourth Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-105 GA PLAN Fifth Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-106 GA PLAN Sixth Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-107 GA PLAN Seventh Floor Plan A1 1:100 Rev P03
- 11473-64-A-05-108 GA PLAN Eighth Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-109 GA PLAN Ninth Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-110 GA PLAN Tenth Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-111 GA PLAN Eleventh Floor Plan A1 1:100 Rev P02
- 11473-64-A-05-112 GA PLAN GA Roof Plan A1 1:100 Rev P03
  
- 11473-64-05-A-121 GA PLAN Accessible Flat Affordable A1 1:100 Rev P01
- 11473-64-05-A-122 GA PLAN Accessible Flat Private A1 1:100 Rev P01
- 11473-64-A-05-130 EXISTING PLAN Ground Floor Plan A1 1:100 Rev P01
- 11473-64-A-05-131 EXISTING PLAN Mezzanine Floor Plan A1 1:100 Rev P01
- 11473-64-A-05-132 EXISTING PLAN First Floor Plan A1 1:100 Rev P01
- 11473-64-A-05-133 EXISTING PLAN Second Floor Plan A1 1:100 Rev P01
- 11473-64-A-05-134 EXISTING PLAN Third & Fourth Floor Plan A1 1:100 Rev P01
- 11473-64-A-05-135 EXISTING PLAN Fifth & Sixth Floor Plan A1 1:100 Rev P01
  
- 11473-64-A-06-100 Section A-A A1 1:125 Rev P01

11473-64-A-06-101 Section B-B A1 1:125 Rev P01  
11473-64-A-06-102 Section C-C A1 1:125 Rev P01  
11473-64-A-06-103 Section D-D A1 1:125 Rev P01  
11473-64-A-06-104 Section E-E A1 1:125 Rev P01  
11473-64-A-06-105 Section F-F A1 1:125 Rev P01  
11473-64-A-06-106 Section G-G A1 1:125 Rev P01

11473-64-A-07-100 EXTERNAL ELEVATION EAST A1 1:100 Rev P03  
11473-64-A-07-101 EXTERNAL ELEVATION SOUTH A1 1:100 Rev P03  
11473-64-A-07-102 EXTERNAL ELEVATION WEST A1 1:100 Rev P03  
11473-64-A-07-103 EXTERNAL ELEVATION NORTH A1 1:100 Rev P03

11473-64-A-07-130 EXISTING ELEVATION East A1 1:100 Rev A  
11473-64-A-07-131 EXISTING ELEVATION South A1 1:100 Rev A  
11473-64-A-07-132 EXISTING ELEVATION West A1 1:100 Rev A  
11473-64-A-07-133 EXISTING ELEVATION North A1 1:100 Rev A

2379/16/B/1A – Landscape and children’s play area – Fifth floor  
2379/16/B/2A – Landscape planting plan – Fifth floor  
2379/16/B/3A – Landscape planting plan – Seventh floor  
2379/16/B/4A – Landscape planting plan – Ground floor  
2379/16/B/5 – Planter construction details

Cottrell House Construction Management and Method Statement Plan - prepared by Jaysam Contractors Ltd  
- dated January 2017

Cottrell House Construction Logistics Plan - prepared by Jaysam Contractors Ltd - dated February 2017  
Structa LLP; Report reference 3633-GE001 - dated 16th January 2015

at **Cottrell House, 53-63 Wembley Hill Road, Wembley, HA9 8DL**

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

Date: 02/11/2017

Signature:



**Alice Lester**

Head of Planning, Transport and Licensing

**Note**

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

DnStdR

## PROACTIVE WORKING STATEMENT

- 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 does not comply with pre-application advice given.

## REASONS

- 1 The proposed development, by virtue the height at 13 storeys, would appear as an excessively tall building which would result in poor transition between the scale of development within the Stadium area and the suburban housing immediately to the west of the development site. Furthermore it would result in a poor visual relationship with the St George's Hotel building to the south of the site. As a result, the development would be detrimental to the character of the area and the streetscene, contrary to Policy DMP1 within Brent's Development Management Policy 2016, policies WEM1 of the Wembley Area Action Plan 2015 and to guidance within Brent's Supplementary Planning Guidance 17 and draft Supplementary Planning Document 1.

## INFORMATIVES

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

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2017  
07  
17/2477

## SITE INFORMATION

RECEIVED	6 June, 2017
WARD	Dudden Hill
PLANNING AREA	Brent Connects Willesden
LOCATION	60 Neasden Lane, London, NW10 2UW
PROPOSAL	Demolition of existing buildings on site and erection of new four storey commercial building fronting Neasden Lane comprising a total of 2,131 sqm, of which 117sqm is for flexible use within use classes A2, A3 or B1 and 898sqm of affordable workspace B1(a), and the remaining floorspace for use classes of A2 or B1, and new three to five storey residential building to the rear comprising 121 self-contained units (38 x 1bed, 73 x 2bed and 10 x 3 bed) with associated car and cycle parking, bin stores, landscaping and public realm works
APPLICANT	London Square
CONTACT	QUOD
PLAN NO'S	A2641 200 R9 A2641 201 R5 A2641 202 R5 A2641 203 R6 A2641 204 R6 A2641 205 R5 A2641 300 R3 A2641 301 R3 A2641 302 R3 A2641 303 R3 A2641 304 R2 A2641 310 R3 A2641 311 R3 A2641 400 R4 A2641 401 R4 A2641 402 R4 A2641 403 R4 A2641 404 R4 A2641 405 R2 A2641 406 R2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></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_134633">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_134633</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></u></b></p> <p>Please use the following steps</p> <p style="text-align: right;"><i>DocRepF</i> Ref: 17/2477 Page 1 of 23</p>

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "17/2477" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab



## RECOMMENDATIONS

### RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

Fees for a) preparing and completing the agreement and b) monitoring and enforcing its performance

Notification of material start

Affordable Housing - 22% of dwellings shall be for Affordable Units 60% to be affordable rent units (by habitable room); 40% to be shared ownership units (by habitable room)

Affordable Housing Review Mechanism - post implementation

Managed Affordable Workspace of 898sqm GIA

Parking Permit restricted

Training and Employment targets

Highway works: reinstatement of footway at developer cost

Sustainability / Energy - zero carbon

Considerate Contractors Scheme

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:

1. Standard three year
2. Approved drawings
3. Materials
4. Landscaping
5. Construction Method Statement
6. Cycle parking
7. Drainage
8. Blue badge parking
9. Air quality
10. Contaminated land
11. Means of enclosure
12. BREEAM Excellent
13. Any other planning condition(s) considered necessary by the Head of Planning

#### Informatives

1. CIL liable
2. Repair highway if damaged
3. Fire Safety Strategy
4. Soil verification
5. Asbestos
6. Air quality
7. Vibration
8. Highways
9. Licences
10. Noise
11. Structural integrity

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.

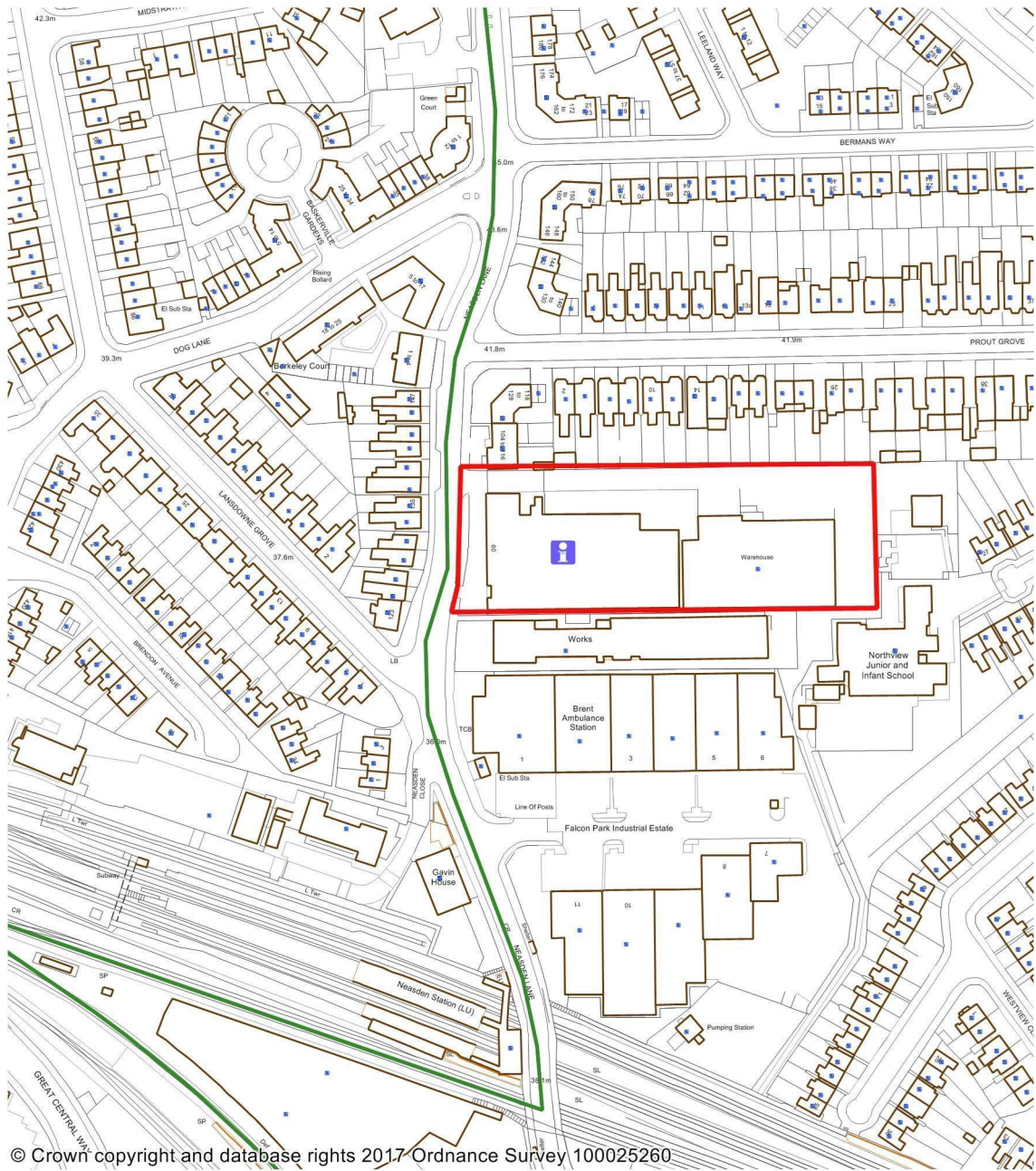
## SITE MAP



# Planning Committee Map

Site address: 60 Neasden Lane, London, NW10 2UW

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This map is indicative only.

## PROPOSAL IN DETAIL

The proposal seeks permission for the demolition of all existing buildings and redevelopment for a new building to provide employment space and new buildings to the rear to provide 121 dwellings.

The new frontage building would be four storeys in height with the top storey set back. This will provide replacement employment space of 1,694sqm. To the rear of this and occupying the majority of the site the new residential units would comprise one, two and three bedroom units. These would be accommodated in three five storey blocks, with two linking blocks positioned towards the site's northern boundary. Landscaping and shared amenity spaces are to be provided in two main areas fronting the linking blocks and at the eastern (rear) part of the site. Disabled parking, separate vehicle and pedestrian accesses, servicing space and cycle parking are also to be provided. Amendments to the proposal were secured during pre-application discussions with the applicant. The amendments secured improvements related to scale, layout, design, reduced parking in favour of increased landscaping/amenity space, and provision of separate vehicle and pedestrian accesses.

## EXISTING

The application site is 60 Neasden Lane. The site (0.79ha) comprises a two storey office building fronting the east side of Neasden Lane with industrial/warehouse buildings to the rear. The site is located approximately 150m north of Neasden Lane station. No.58 Neasden Lane adjoins the site to its south (previously in industrial use but with a recent permission for redevelopment to hotel). Northfield Primary School adjoins the site to its rear. Adjoining the site to its north and adjacent opposite to the west is residential development, primarily two storey semi-detached houses.

The site is currently occupied by a vehicle maintenance company and accommodates a detached two storey office building which fronts Neasden Lane and a number of industrial warehouse buildings used for vehicle repair and storage to the rear. In total the buildings comprise approximately 5,294m<sup>2</sup> GIA.

The site falls within a designated Locally Significant Industrial Site. It has a Public Transport Accessibility Level (PTAL) of 4.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

- 1. Objections received:** There have been no objections received to the proposal.
- 2. Principle of Development:** The site is located within the designated Neasden Lane Locally Significant Industrial Site (LSIS) and is not identified for release in the Employment Land Demand Study. However, given that the site does not have a medium to long term future as an industrial site and the wider regeneration proposed, it is considered the principle of the development can be accepted.
- 3. Affordable Housing:** The application proposed 21% affordable housing which has been supported by a financial viability assessment. In addition an affordable housing review mechanism is to be secured post implementation. This is considered to meet policy objectives.
- 4. Residential Mix:** The application provides 17% family sized accommodation with 40% of the provision within the affordable rented tenure. The overall level and priority within the affordable tenure is considered acceptable.
- 5. Density:** The density proposed is 429hr/ha which is within the suggested density range in the London Plan of 200-700 hr/ha.
- 6. Employment:** The application proposes managed affordable workspace which is considered to be of significant benefit and is likely to result in significantly higher employment levels than the current industrial use.
- 7. Design, Massing & layout:** The proposed development is of a scale and design considered appropriate in the locality and the quality of accommodation would meet London Plan space standards and provide an acceptable provision of external amenity space.

8. **Neighbouring Amenity:** Whilst the development does not fully accord with the relationship guidance set out in SPD1, the failings are marginal and the scheme will have a more aesthetically pleasing appearance. Furthermore, the proposed uses are likely to result in a reduction in noise and disturbance to residents in view of the current industrial operation.
9. **Transportation:** The scheme does not propose residents parking on site other than disabled provision. A car-free agreement will be secured where residents will not be able to apply for parking permits in the local area. In view of the proximity to public transport the scheme can be supported on this basis.
10. **Sustainability** The scheme incorporates suitable sustainability measures and the commercial building is capable of achieving BREEAM Excellent in line with policy.

## RELEVANT SITE HISTORY

### RELEVANT SITE HISTORY

The site has been the subject of various planning applications, mainly for minor developments. In 2009 an application was submitted for a change of use from part office, part car showroom to D1 residential use (17/3012). This was refused and subsequently dismissed at appeal, the principal issue being the adverse effect on the industrial function of the LSIS. It is also noted that the Inspector considered the two-storey building fronting Neasden Lane to be in office use with the land to the rear being used for vehicle repairs.

The present application was the subject of a member briefing at the committee of 26 April 2017.

Also relevant is the recent history of the adjacent site to the south 58 Neasden Lane, which falls within the same LSIS designation as no.60. Application 14/1544 sought permission here for:

'Partial demolition and change of use of the retained building from light industrial (B1) to 69 bedroom hotel (C1) including ancillary restaurant, 11 car parking spaces, associated landscaping, alterations to windows, railings and fire escape stairs'.

The officer's committee report recommended refusal, primarily on grounds of conflict with development plan employment policy as it relates to sites within a Locally Significant Industrial Site. Members resolved that they were minded to grant permission due to the narrowness of the site and access difficulties, the high level of public transport accessibility and evidence of unsuccessful marketing. Permission was granted 27 August 2015.

A subsequent application at no.58 (17/1296) sought permission for a larger hotel at the site: 196 rooms as opposed to 69 rooms:

'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'.

In light of the existing permission for a hotel at the site permission was granted for this proposal on 14 July 2017

## CONSULTATIONS

Neighbour letters were issued to 341 properties. A site notice was displayed on 20/6/17 and a press notice was advertised on 29/6/17. No representations have been received to date.

### Internal consultees:

Transport & Highways: The low parking available within the site can be accepted as any overspill parking can be controlled by the surrounding CPZs. Insufficient information was initially provided on servicing /refuse collection. Vehicular tracking should demonstrate that vehicles can negotiate the vehicular access and further information required on convenience of the loading bay for employment uses. Further information required on where bins will be stood for collection day and this arrangement is considered to be acceptable. Travel plan proposals should be submitted for both residential and commercial units to help mitigate any impacts. In absence of the required information, the proposal is likely to result in servicing on street to the detriment of the free and safe flow of traffic and pedestrians.

Design:

Only one minor concern relating to the appearance of the brick wall on the site's southern boundary: a fence atop a lower wall would give a better appearance and improve light to the employment building.

The applicant held a public consultation event in March 2017, prior to the application's submission, at St. Catherine's Church Hall, close to the site, to give residents/stakeholders the opportunity to view the proposals and discuss with the applicant's project team.

Further information/amendments were subsequently submitted following discussion with the Council on affordable housing offer and housing mix. These amendments have not changed the essential nature of the proposal which remains as originally submitted in terms of scale, design and number of units. The revisions were not therefore subject to further public consultation.

## **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 London Plan 2016, 2010 Brent Core Strategy 2010 and the Brent Development Management Policies - 2016. Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are material considerations:

The National Planning Policy Framework (2012).

### London Plan

- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.11 - Affordable housing.
- 3.12 - Negotiating affordable housing
- 3.13 - Affordable housing thresholds
- 4.1 - Developing London's economy
- 4.4 - Managing industrial land premises.
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.6 - Decentralised energy networks in development proposals
- 5.7 - Renewable energy
- 5.10 - Urban greening
- 5.12 - Flooding
- 5.13 - Sustainable drainage
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - Inclusive environment
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.14 - Improving air quality

Mayor's Housing SPG (2016)

Mayor's Sustainability Design SPG (2014)

### Brent Local Plan

Core Strategy (2010)

CP2 - Population and housing growth

CP6 - Design and density in place shaping  
CP20 - Strategic Industrial Locations and Locally Significant Industrial Sites  
CP21 - A balanced housing stock

Development Management Policies (2016)  
DMP1 - Development Management General Policy  
DMP14 - Employment sites  
DMP15 - Affordable housing  
DMP12 - Parking

Other material considerations: Employment Land Demand Study 2015

## DETAILED CONSIDERATIONS

### DETAILED CONSIDERATIONS

#### 1. PRINCIPLE OF DEVELOPMENT:

1.1 The site is located within the designated Neasden Lane Locally Significant Industrial Site (LSIS). Development Plan policy seeks to protect LSIS sites (together with Strategic Industrial Locations) to ensure a sufficient stock of land and premises for the needs of future industrial uses. London Plan policy 4.4 (Managing industrial land and premises) also requires boroughs to demonstrate how LSIS sites will be managed in line with this strategic policy. Policy DMP14 of the Brent Development Plan Policies DPD (Employment sites) states that in recognition of the weight attached to retaining LSIS sites, their release for non-employment purposes will only be permitted where:

- a) it is a low quality employment site identified as suitable for release in the Employment Land Demand Study; and*
- b) it can be shown to be integral to and developed as part of a wider comprehensive housing-led regeneration scheme with substantial benefits to Brent, providing at least 50% affordable housing, and consistent with the wider objectives of the Development Plan and/or is of strategic significance to London; or*
- c) where it delivers social and physical infrastructure on a substantial scale, for example secondary schools, for which there is a significant identified Brent need and which cannot reasonably be provided on other sites in the borough.*

1.2 The 2015 Employment Land Demand Study does not identify the Neasden Lane LSIS as suitable for release from the LSIS designation and therefore the proposal for a residential-led mixed use development would not accord with the provisions of Policy DMP14 (part a). To support a departure from this policy, marketing information and consideration of the future use of the site for industrial purposes has been reviewed by BPS Chartered Surveyors on behalf of the Council. The report concludes that:

- In view of the value of the site, in effect the property is economically obsolescent. This would not preclude ongoing occupation of the industrial element but this is unlikely to be sustainable into the medium term.
- Marketing exercise intended to represent a two year marketing campaign to establish market interest in the property from an occupier perspective does not meet the objective.
- Consider site to be fundamentally flawed for continued industrial purposes in view of the site constraints detailed below:
  - limited frontage and considerable depth making servicing problematic;
  - surrounding residential uses and school; and
  - forthcoming hotel development effectively isolating the site.

1.3 In view of the above, whilst it is noted that the marketing did not meet the level expected, the site is clearly compromised and would not have a medium to long term future as an industrial site. It is important to note in considering the application that a non-employment use (permission for a hotel) was granted on the site adjoining the application site to its south: this site also falls within the LSIS designation and was also not identified for release by the ELDS. The permission here significantly changes the physical context of the application site, creating a buffer between the site and the main area of the LSIS, and isolating it within surrounding non-employment uses (residential, school, hotel). As such, it is considered that the site is suitable for release subject to delivering a scheme which meets either part b) or c) of Policy DMP14 detailed above.

1.4 In terms of c) no substantial infrastructure such as a secondary school is proposed. As such, the proposal is being assessed against the objectives of part b) where the scheme must demonstrate substantial regeneration benefits in terms of affordable housing and the wider objectives of the Development Plan.

1.5 It is considered that the scheme which provides residential accommodation (including affordable housing), managed affordable workspace, flexible commercial uses and aesthetic improvements to the area through its redevelopment would combine to constitute a level of regeneration benefit sufficient to justify approval against policy DMP14. The elements of the proposal are considered in more detail below.

## **2. AFFORDABLE HOUSING:**

2.1. London Plan policies 3.11A, 3.11B and 3.12 require boroughs to maximise affordable housing provision, to set an overall target in Local Plans for the amount of affordable housing provision needed over the plan period, and seek the maximum reasonable amount of affordable housing when negotiating on individual private and mixed use schemes. Brent's Core Strategy Policy CP2 identifies capacity for at least 22,000 homes over the Local Plan period 2007-2026 and sets a target that 50% of new homes should be affordable. Developers are required to provide development appraisals to demonstrate that a scheme maximises affordable housing provision. Policy DMP15 of the Brent Development Management Policies DPD reinforces Policy CP2. The application as originally submitted proposed 31% affordable housing (32% by habitable room) This has been justified by submission of a viability statement which was independently reviewed on behalf of the Council. This review of viability evidence identified that the proposal represented the maximum reasonable level of affordable housing provision.

2.2. The revised proposal would provide an increase in affordable rent units from 6 to 15 with a reduction in shared ownership units from 32 to 10. This change achieves a London Plan policy compliant mix of 60% affordable rent (by habitable room) and 40% shared ownership (by habitable room). The reduction in shared ownership units impacts on the scheme's finely balanced viability and in order to achieve the desired tenure mix, officers considered it more beneficial to Brent's residents and a reasonable balance to accept a lower overall proportion of total affordable housing: 21% affordable housing (22% by habitable room) would now be provided. It is accepted that the reduction in the headline affordable housing figure from 31% to 21% is a notable change, but officers are of the view after careful consideration that this is outweighed by the benefits of the close to policy compliant tenure mix, the increased proportion of affordable family units (see below) and the other employment and environmental benefits the scheme would deliver (see below).

## **3. RESIDENTIAL MIX:**

3.1 Policy CS2 of the Core Strategy states that at least 25% of new homes should be family sized (3 bedrooms or more). The initial proposal included a mix of 38 x 1-bed units (32% of accommodation), 73 x 2-bed units (60%) and 10 x 3-bed units (10%). The revised proposal amends this mix to 38 x 1 bed, 63 x 2 bed and 20 x 3 bed. The number of three bed units is therefore doubled from 10 to 20 with a corresponding reduction of two bed units from 73 to 63. Twenty 3 bed units comprises 17% of the total proposed homes (up from 8%). A good proportion of these would be provided in the affordable rented tenure: 40% of 3 bed units would be affordable rent compared to 33% in the scheme as originally submitted. This complies with the requirement of London Plan Policy 3.11 that priority should be accorded to provision of affordable family housing. Therefore the proposal is considered to have a reasonable housing mix.

## **4. DENSITY:**

4.1. London Plan policy 3.4 (Optimising housing potential) supports higher densities in areas of good public transport accessibility. In this urban location with a PTAL of 4, the London Plan density matrix Table 3.3 indicates an appropriate residential density range of 200 - 700 hr/ha. The proposed scheme has a density of 429 hr/ha. The residential density is acceptable in this location. Being a large site with an opportunity to increase densities without a significant impact on the existing surrounding properties allows a relatively high density.

## **5. EMPLOYMENT:**

5.1 The applicant explains that the site will become vacant in November and that their application aims to secure a long term commercial function here by provision of improved office stock and a more intensive, more viable employment offer.

The proposal includes a four storey building to accommodate employment space at the Neasden Lane frontage. The scheme as originally submitted proposed 2,131sqm GIA of commercial floorspace within this

building (Use Class A2, B1 with 117sqm of the total to be used for A2, B1, A3), to provide modern, flexible commercial space for small businesses and start-ups. The revised proposal does not alter the proposed overall commercial floorspace but now commits to 898sqm GIA of this (at ground and first floor levels) to be Managed Affordable Workspace. This area equates to 42% of the total commercial floor space. It would be offered at a rate of 50% of market rent level and aimed at smaller operators in the local market. The applicant states that this will ensure local businesses have access to genuinely affordable workspace, sitting alongside other commercial units, in all providing businesses with flexible uses and floorspace to reactivate the site as an employment location. This managed affordable workspace would be secured via legal agreement, which should also require appointment of a managed workspace provider to be approved by the Council, and the provider to submit a managed workspace plan, also for approval by the Council, to demonstrate how the workspace would be let and managed.

5.2 The applicant estimates the total commercial space proposed would have a realistic employment potential of between 121 and 187 new jobs (stated to be a 400% increase over employment at the existing operations).

## **6. DESIGN, MASSING, LAYOUT**

### *6.1 Massing*

The residential blocks are consistent at five storeys in height. The linking blocks are designed to ensure a subordinate appearance to the flanking principal blocks. The built form is further broken up by detailed articulation.

### *6.2 Layout*

The layout has been designed to maximise sunlight into the south facing courtyards with the majority of units east or west facing with dual aspect with dual aspect south facing units in the link blocks. All of the units to be provided are dual aspect. The layout is designed with separate access points for pedestrians/cyclists and vehicles.

### *6.3 Materials*

The materials comprise a palette of three brick colours to differentiate the set back top floors with different types of brickwork will accentuate the different block. A simple palette of materials is to be used to achieve a structured, coordinated appearance. A condition is proposed to secure control over final material samples.

### *6.4 Landscaping*

At present the site is 100% hardsurfaced. Extensive soft landscaping would be introduced in the main courtyards, adjacent to the rear and north boundaries and on the site frontage, including tree planting. A schedule of soft and hard landscaping would be secured and approved by condition. The scheme would introduce extensive green infrastructure where at present there is none, with accompanying biodiversity, sustainable drainage and amenity benefits. Planting is to include a mixture of native and introduced tree and plant with a focus on habitat creation for invertebrates and birds species. The proposal would create appropriate useable areas for the future residents and create an attractive setting for the proposed buildings.

### *6.5 External amenity space and playspace*

All dwellings would benefit from external balconies, terraces or gardens. All one, two and three bedroom units would have balconies of 8.6sqm. Ground floor units would have private amenity space of between 11sqm and 15sqm. Total private amenity space across the development would comprise 1,364sqm. Although this falls below the policy DMP19 requirements of 20sqm for flats and 50sqm for each family unit, when considering the design of the development and proposed public realm and open space, this provision is considered to be useable and practical.

In terms of shared amenity space, the proposed courtyard gardens would comprise 1,229sqm. Total shared amenity space would comprise 1,983sqm. 417sqm of children's play areas for age groups 0-5 years, 5-11 years and 12 years plus, would be incorporated into the central courtyards and eastern yard.

### *6.6 Internal space.*

All the proposed residential units are consistent with London Plan Policy 3.5 Table 3.3 Minimum Space



Standards for New Dwellings and have been designed to meet Lifetime Homes Criteria. The proposal would therefore result in good standard units set within an attractive development context and provide a good quality living environment.

### *6.7 Relationship to hotel*

In terms of potential overlooking of the new dwellings from the consented hotel at no.58, adjoining to the south, the facing elevations of the new blocks at ground, first and second floor have no facing windows. The proposed building would have a distance of approximately 8.6m from the southern side boundary of the site. The permitted hotel does not require the same living conditions of a permanent residential dwelling, and this arrangement would not result in primary habitable room windows facing other habitable room window. At third and fourth floors there are a total of six living rooms with small facing windows. These windows are small and all of these rooms have their main (balcony) aspects facing east or west and so would not experience any significant overlooking. The facing elevations at third and fourth floors contain a total of 15 bedrooms with small south facing windows. Six of these have their main, larger windows facing east or west. For the remaining south facing bedrooms at these floors, the relationship to the prospective hotel is considered acceptable overall given that these rooms are set back from the building line of the ground to first floors, that the context is a relatively dense urban environment, and that potential occupiers will be aware of the consented adjoining development.

### *6.8 Townscape*

The front four storey commercial building (top storey recessed) would not be out of scale with the broadly two and three storey residential development to its north. The higher residential building to the rear would be read behind the commercial building and behind existing surrounding buildings. Although visible from Neasden Lane and nearby roads, it would be shielded by and seen in the context of existing development. The good quality of design would enable the buildings to blend effectively with and enhance the appearance of the area.

In conclusion on design, having regard to the site's size and proximity to public transport, it is considered to fall within the Transitional typology of the emerging supplementary planning document Brent Design Guide (SPD1). The proposal is considered to accord with the design guidelines contained in this document for Transitional locations, and to comply with London Plan policies 7.4 and 7.6 and with Brent Development Management Plan policy DMP1.

## **7. NEIGHBOURING AMENITY**

### *7.1 Daylight/sunlight/overshadowing*

A Daylight and Sunlight Assessment was submitted which assesses the potential effect of the development on daylight, sunlight and overshadowing on existing surrounding development. The report also assesses the internal daylight provision to the proposed accommodation within the scheme.

In respect of existing neighbouring dwellings the proposal is shown to result in a very high rate of compliance with Building Research Establishment. In terms of the VSC (Vertical Sky Component) daylight analysis, 92% (431 out of 467) windows meet the BRE guidelines typical recommendations. In relation to the NSL (No Sky Line) analysis, 94% (235 out of 251) rooms meet the typical BRE recommendations. The APSH (Annual Probable Sunlight Hours) assessment shows that 97% (346 out of 355 windows) meet the BRE recommendations. In the few instances where any technical reductions occur beyond the typical parameters recommended by the BRE guidelines, they are shown to be so by a very minor margin or are clearly influenced by design features in the surrounding properties rather than the scale of the proposed development.

The overshadowing effect of the proposed development upon the surrounding properties is shown to be well within the guideline recommendations in respect of all but one of the surrounding gardens and sensitive receptors. The garden of 104-116 Neasden Lane experiences an overshadowing impact but very good levels of sunlight availability in the summer period are considered to satisfactorily offset a slight temporary adverse effect in March.

The assessment of the sunlight to the proposed amenity areas within the scheme shows all four areas receiving in excess of 90% of sunlight potential. This is well above the suggested thresholds in the BRE.

The internal daylight assessment for the proposed accommodation demonstrates there would be a good rate of compliance with the internal daylight recommendations for an urban environment, with 74% of the

habitable rooms tested across the development achieving the minimum ADF levels for a bedroom or living room. The applicant states that internal daylight availability is offset in some instances by the provision of valuable private amenity space in the form of external balcony space, and this is demonstrated by an alternative assessment with the balconies removed which confirms that 89% of the rooms tested would achieve the recommended minimum ADF target levels.

In terms of the relationship to the consented hotel, given the transient nature of occupation and the expectations of these occupiers the hotel is not considered a particularly sensitive receptor. However the assessment indicates the daylight/sunlight impact would be not dissimilar to that which would be expected for residential dwellings.

It is concluded that the proposed development is satisfactory in terms of its daylight and sunlight impacts.

### *7.2 Privacy/outlook*

The site adjoins the southern boundary of properties fronting Prout Grove and also the western boundary of the school to the east. The Prout Grove rear gardens are relatively deep and the footprint of the proposed development is set well back from the common boundary. The separation distances between existing and proposed buildings meets the 18m standard set out in SPD1 Brent Design Guide: the narrowest distance between the existing and proposed buildings is approximately 20.3m with most properties having separation distances well in excess of this. It is considered that no harmful impact on privacy will result.

Although the new development would be noticeable from the rear gardens of Prout Grove properties, which have benefited from a relatively open aspect given the relatively low rise nature of the site's existing buildings, the impact on outlook would not be such as to cause an adverse impact in terms of a sense of enclosure. As mentioned above the separation distances between the buildings is 20.3m at its narrowest point with most distances well in excess of this. The 45degree test from the rear gardens' boundary is narrowly failed (approximately 50degrees), but it is considered that the impact of a higher form of development would be offset to a large extent by the marked improvement in design and appearance of the new development over the existing. Similarly the development is set off the eastern boundary with the school and a good separation is maintained here also.

### *7.3 Impact of commercial uses*

It is not anticipated that the new commercial uses in close proximity to the residential element would result in any adverse amenity impact. Uses A2 (financial and professional services) and B1 (light industry/office) are uses which can co-exist with residential occupation. Future external plant/equipment may require a separate planning permission where an assessment would be made to ensure any potential noise or visual impacts would be acceptable.

## **8. TRANSPORT**

8.1 The site has a PTAL of 4 and falls within a Controlled Parking Zone. The application is accompanied by a Transport Statement and Travel Plan. Parking provision is limited to blue badge parking for the disabled only. This is acceptable in this location subject to a legal agreement requirement for a permit-free scheme, so that future residents would not be allowed to park in surrounding streets during CPZ hours. Blue badge parking is provided to accord with policy requirements: 12 spaces for the residential element and one space for the commercial element.

8.2 Cycle parking (279 spaces) is to be provided to accord with policy requirements. Cycle parking for the commercial element would be provided at the rear of the commercial building. Cycle parking for the residential element would be provided in separate externally accessed bike stores located conveniently in landscaped areas across the site.

8.3 Separate vehicle and pedestrian accesses are to be provided, the existing main access for vehicles and a new separate pedestrian access at the southern corner of the site, although the vehicle access would have sufficient width for pedestrians also. The footway would be reinstated to replace the existing vehicle crossover at the southern corner under an s.278 agreement.

In response to Brent Transport's comments, additional drawings including tracking diagrams have been submitted which demonstrate access width and the servicing area layout are adequate for larger vehicle manoeuvring, that the service bay is convenient and useable, and that the bin storage arrangements are practical and appropriate.

8.4 The Travel Plan submitted with the application relates to the residential element of the development only. A Travel Plan for the commercial element is also required. A condition is proposed to require this.

## **9. ENERGY and SUSTAINABILITY**

### *Energy:*

London Plan policy 5.2 requires development proposals to minimise carbon dioxide emissions in accordance with the energy hierarchy – use less energy, supply energy efficiently and use renewable energy. Major developments are required to achieve carbon emissions reduction targets leading to zero carbon. The carbon reduction targets should be met on site. An Energy Assessment is submitted to demonstrate that the development would be constructed to achieve energy targets in accordance with policy 5.2.

The proposed development is currently predicting a site-wide 43.5% carbon dioxide emissions reduction over Part L 2013, through the following measures:

- BE LEAN (energy efficiency delivering up to a 3.9% improvement);
- BE CLEAN (CHP unit providing a further 13.1% savings);
- BE GREEN (Photovoltaic panels and Heat pumps delivering 26.4% savings).

Importantly the scheme includes a CHP plant, a measure encouraged by London Plan policy 5.3. Photovoltaic panels to provide the renewable element of the strategy are also proposed, the precise number and their siting would be controlled when agreeing the carbon dioxide reductions details required by the S106.

### *Sustainability*

9.1 Core Strategy policy CP19 seeks all development to contribute towards achieving sustainable development. The scheme is accompanied by a Sustainability Statement which explains how sustainability issues have informed and been addressed within the proposal. These issues include matters addressed elsewhere in this report such as energy biodiversity, sustainable drainage, air quality, noise, water efficiency and contamination. The scheme is considered to comply with Development Plan policy in this respect.

9.2 In respect of the employment building, a pre-assessment has been carried out to evaluate the development's possible BREEAM score. The design is capable of achieving a BREEAM Excellent rating the design is capable of achieving a BREEAM 'Excellent' rating and is therefore in line with Core Strategy policy CP19. Achievement of BREEAM Excellent is secured by a proposed condition.

## **10. AIR QUALITY**

10.1 The site is located within an Air Quality Management Area. London Plan policy 7.14 requires that major development should be at least air quality neutral and not lead to further deterioration of existing poor air quality. An Air Quality Assessment has been submitted.

Potential impacts on local air quality at construction phase arising from construction activity, vehicles and plant are identified as a medium risk (dust soiling and human health impacts). However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulates releases would be significantly reduced. The residual effects of dust and particulates generated at construction phase are assessed to be negligible. An assessment of the potential impacts during operational phase was undertaken to predict the changes in and total concentrations of NO<sub>2</sub> and particulates resulting from traffic movement on the local road network, and emissions from the proposed energy centre. The results show that the proposed development would cause negligible changes in pollutant concentrations and is not anticipated to not cause any new exceedances of the AQS objectives.

Any future plant/ventilation equipment which may be required to serve the potential A3 (restaurant) use within unit D-1, could require a further planning permission. The application has noted this and an informative is recommended to highlight this to the applicant.

## **11. CONTAMINATION**

11.1 A Geotechnical report accompanied the application. Given the history of industrial use and the proposed residential end user, a condition is proposed to secure any further site investigation required and

implementation of any identified necessary remediation measures.

## 12. FLOODING

12.1 London Plan policy 5.12 requires developments to comply with flood risk assessment and management requirements set out in the NPPF. The site is situated within Flood Zone 1 and therefore has the lowest level of flood risk, and is below the 1 hectare threshold for undertaking a full Flood Risk Assessment (FRA). The flood risk is therefore low, and it is noted that the site improves the drainage position through introduction of significant soft landscaping to a site which is at present entirely hard surfaced.

12.2 London Plan policy 5.13 requires developments to use sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. A condition is imposed to require submission and approval of a drainage strategy to address these requirements. The applicant advises that the design of the rainwater disposal system will incorporate appropriate storage should attenuation be required to the outflow to the surface water mains.

## 13. CONCLUSION

The scheme has been carefully assessed in terms of whether it can demonstrate the significant regeneration benefits which officers consider are necessary to allow development of the site for the proposed mixed residential and commercial development, having regard to its Local Plan designation as a Locally Significant Industrial Site and the provisions of Policy DMP14.

Officers consider that on balance the application does achieve a significant package of regeneration benefits. 121 new residential units are to be provided. Of these units 21% would be affordable. Although this is below the proportion proposed within the scheme as originally submitted, the amended offer enables a close to policy compliant split of the affordable housing with 60% now to be affordable rent and 40% shared ownership, within a viable proposal. The number of three bed units has been increased and a good proportion of these would be within the affordable rent tenure. Modern, flexible commercial floorspace would also occupy approximately a quarter of the site and almost 900sqm of this would be available as Managed Affordable Workspace at 50% of market rent for local firms. In addition the proposed new built form would be an attractive addition in the streetscape to replace existing utilitarian structures, with a significant upgrade in green infrastructure and a more neighbourly relationship to surrounding development, particularly dwellings in Prout Grove. No objections to the scheme either as original or as amended were received from neighbours.

Officers conclude that the above considerations provide significant benefits. The proposal sufficiently complies with the development plan and the altered context of the site following the recent grant of a hotel development on the site adjacent to the south (no.58) justify a grant of permission for the proposed development.

## CIL DETAILS

This application is liable to pay **£1,861,592.49\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 5294 sq. m.

Total amount of floorspace on completion (G): 12414 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	10283	0	5897.77348 155309	£200.00	£35.15	£1,484,975.11	£260,984.38
Shops	2131		1222.22651 844691	£40.00	£35.15	£61,547.84	£54,085.16

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)	282	
<b>Total chargeable amount</b>	<b>£1,546,522.95</b>	<b>£315,069.54</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: 17/2477

To: Mr Tom Vernon  
QUOD  
17 Broadwick Street  
London  
W1F 0AX

I refer to your application dated **31/05/2017** proposing the following:

Demolition of existing buildings on site and erection of new four storey commercial building fronting Neasden Lane comprising a total of 2,131 sqm, of which 117sqm is for flexible use within use classes A2, A3 or B1 and 898sqm of affordable workspace B1(a), and the remaining floorspace for use classes of A2 or B1, and new three to five storey residential building to the rear comprising 121 self-contained units (38 x 1bed, 73 x 2bed and 10 x 3 bed) with associated car and cycle parking, bin stores, landscaping and public realm works

and accompanied by plans or documents listed here:

A2641 200 R9  
A2641 201 R5  
A2641 202 R5  
A2641 203 R6  
A2641 204 R6  
A2641 205 R5  
A2641 300 R3  
A2641 301 R3  
A2641 302 R3  
A2641 303 R3  
A2641 304 R2  
A2641 310 R3  
A2641 311 R3  
A2641 400 R4  
A2641 401 R4  
A2641 402 R4  
A2641 403 R4  
A2641 404 R4  
A2641 405 R2  
A2641 406 R2

at **60 Neasden Lane, London, NW10 2UW**

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: 03/11/2017

Signature:

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 relevant policies contained in the:-  
National Planning Policy Framework (NPPF)  
London Plan 2016  
Brent Local Plan:  
Core Strategy 2010  
Development Management Policies 2016  
Brent Supplementary Planning Guidance:  
SPG17: Design guide for new developments  
Draft SPD1: Brent Design Guide
  
- 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 comply with guidance and pre application discussions were entered into.
  
- 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
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings:  
  
A2641 200 R9  
A2641 201 R5  
A2641 202 R5  
A2641 203 R6  
A2641 204 R6  
A2641 205 R5  
A2641 300 R3  
A2641 301 R3  
A2641 302 R3  
A2641 303 R3  
A2641 304 R2  
A2641 310 R3  
A2641 311 R3  
A2641 400 R4  
A2641 401 R4  
A2641 402 R4  
A2641 403 R4  
A2641 404 R4  
A2641 405 R2  
A2641 406 R2  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The refuse and recycling storage and disable parking bays as shown on the approved drawing shall be provided prior to the occupation of the development and shall be retained for the



lifetime of the development.

Reason: To ensure adequate provision is made for these matters in the interests of amenity and disabled parking requirements.

- 4 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations 4(3)).

Reason: To ensure suitable facilities for disabled users to comply with the requirements of Policy 4.5 of the London Plan.

- 5 In respect of the commercial building:

Prior to the occupation of the development a Post Construction Stage Review BRE Certificate demonstrating that the Development has achieved BREEAM "Excellent" shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be maintained so that it continues to comply for the lifetime of the Development.

Reason: To ensure the Development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time and to comply with London Plan Policy 5.3.

- 6 No work shall be commenced unless and until details and samples of all materials to be used for all external surfaces have been submitted to and approved by thereLocal Planning Authority in writing. The development shall not be implemented otherwise than in accordance with the approved details.

Reason: To ensure a high quality of design and appearance.

- 7 Details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority prior to this part of the development commencing. All planting shall occur during the first available planting season following completion of the development hereby approved. Details to be submitted shall include details of proposed arrangements for the maintenance of the landscaping. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development, to ensure that the proposed development enhances the visual amenity of the locality, to ensure sustainable development, and to provide tree planting pursuant to s.197 of the Town and Country Planning Act 1990.

- 8 279 cycle spaces shall be provided in accordance with the approved drawings prior to occupation of the development. Prior to work commencing to install cycle parking full details of the cycle parking including the design of cycle parking enclosures shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details and retained as such unless otherwise agreed in writing with the local planning authority.

Reason: To enhance sustainable means of transport and ensure a good quality appearance.

- 9 Prior to the commencement of drainage works full details of a drainage strategy detailing any on and/or off site drainage works which shall include but not be limited to a scheme of drainage measures for all areas of hard surface, showing those areas to be treated by use of sustainable urban drainage systems (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the development.

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

- 10 Prior to commencement of development an Air Quality Neutral Assessment shall be submitted to and approved in writing by the local planning authority. The Assessment shall be undertaken in accordance with guidance published by the GLA and shall include appropriate mitigation measures should it be found that the development is not air quality neutral. The development shall be implemented in full accordance with the approved Assessment and any approved mitigation measures shall be implemented prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To protect local air quality and to comply with the requirements of London Plan Policy 7.14.

- 11 (a) Prior to commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development, UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to future residents, workers, neighbours and other off site receptors, and to comply with London Plan Policy 5.21.

- 12 Details design, height and materials to be used for all walls, fencing, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason: To ensure a high quality of development in the interests of the visual amenity and character of the locality and to comply with London Plan Policies 7.4 and 7.6.

- 13 Prior to the occupation of the development a Travel Plan which passes TfL's ATTrBuTE programme shall be submitted to and approved in writing by the Local Planning Authority. The

Travel Plan shall relate to both the residential or the commercial elements of the development. Alternatively two separate Travel Plans may be submitted. The approved details shall be implemented in full for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of the development on the highway and to maximise use of sustainable modes of transport and to comply with London Plan Policy 5.2.

- 14 Prior to first occupation of the development confirmation from the Building Control body to demonstrate that the relevant building has been 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 (as amended) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and conserve water supplies and resources in order to secure London's needs in a sustainable manner.

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 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).
- 3 The applicant is advised to ensure that demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.
- 7 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.

- 8 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
  - (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings
- 9 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof.
- 10 The applicant is advised that external plant and equipment not illustrated on the plans may require a further planning application.

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

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