

Committee Report
Planning Committee on 23 February, 2011

Item No. 3/01
Case No. 10/2942

RECEIVED: 8 December, 2010

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 93 & 93A, 94 & 94A, 95, 96 & 96A, 97 Ealing Road, Wembley, HA0

PROPOSAL: Demolition of the existing buildings (93 to 97 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor and basement retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping

APPLICANT: Ethos Construction Solutions Ltd

CONTACT: Claridge Architects

PLAN NO'S:

Please refer to condition 2

RECOMMENDATION

- (a) Resolve to Grant Planning Permission, subject to a s106 legal agreement, or
- (b) If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement prior to the application's statutory expiry date, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

SECTION 106 DETAILS

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

- a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- b) A contribution of £3000 per bedroom created, due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area
- c) A Car-free development, if a CPZ is introduced residents AND occupants of the commercial premises shall not be entitled to on-street parking permits
- d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, Code for Sustainable Homes Level 3 and BREEAM Excellent, with compensation should it not be delivered. In addition to adhering to the Demolition

- e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation
- f) An additional contribution of £750 due on material start and, index-linked from the date of committee for off-site landscaping as the scheme will reduce the opportunity for landscaping on Ealing Road and will harm existing street trees necessitating replacements
- g) A contribution of £10,000 toward local open and play space improvements, due on MS and index-linked from the date of decision
- h) The potential access through to the rear of 89-91 Ealing Road shown on the submitted plans shall be permanently maintained
- i) Submit a Servicing Management Plan
- j) Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The site is located on the corner of the junction of Ealing Road, a London distributor road and Douglas Avenue a local residential access road. The site occupies an area of approximately 0.09 hectares and currently comprises a short terrace of three 2-storey buildings. 93 Ealing Road has a travel agent at the ground-floor with a residential flat above. 95-97 Ealing Road currently appears to be vacant but has established use as a hotel.

PROPOSAL

Full planning permission is sought for the demolition of the existing buildings (93 to 97 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping

HISTORY

- | | |
|------------|---|
| 13/08/2010 | Enforcement investigation instigated against the unauthorised change of use of the premises from a hotel to a mixed use as travel agent (A1) and money transfer business (A2) (Ref: E/10/0631). |
| 07/10/2008 | Resolution to grant planning permission for the demolition of the existing buildings and the erection of a 3-storey and 4-storey building incorporating 9 flats, comprising 6 x three-bedroom and 3 x two-bedroom flats with balconies at first-, second- and third-floor level; 3 x commercial units (Use Class A1, A2 & A3) at basement and ground-floor level subject to a s106 agreement (not signed) (Ref: 08/2151). |
| 01/08/2006 | Enforcement Notice issued for the unauthorised change of use of 95-97 Ealing Road from a hotel to a mixed use hotel, restaurant and take-away (Ref: E/06/06090). |

POLICY CONSIDERATIONS

London Plan 2004 as consolidated with amendments

The following policies from Brent's Core Strategy adopted in July 2010 are considered to be relevant to the consideration of the application:

- CP2** Population and Housing Growth
- CP5** Placemaking
- CP6** Design & Density in Place Shaping
- CP15** Infrastructure to Support Development
- CP16** Town Centres and the Sequential Approach to development
- CP19** Brent Strategic Climate Mitigation and Adaptation Measures
- CP21** A Balanced Housing Stock

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

- STR3** – the development of previously developed land will be maximised.
- STR9** – London Distributor Roads will be protected
- STR11** - the quality and character of the Boroughs built and natural environment is protected
- STR19** – new housing development should reduce the need to travel, give preference to the use of pdl, and provide an acceptable level of amenity of existing and proposed residents
- BE1**- Urban Design Statements
- BE2** – Townscape: Local context, and character
- BE3** - Urban structure, space and movement
- BE4** - Access for disabled people
- BE5** – Urban Clarity and Safety
- BE6** – Public Realm Landscape Design
- BE7** – Public Realm Streetscape
- BE9** – Architectural Quality
- BE11** – Intensive and Mixed Use developments
- BE12** - Sustainable Design Principles
- BE17** – Building services equipment
- EP2**- Noise and Vibration

EP3 – Local Air Quality Management

H10 – Containment of Dwellings

H11 – Housing on Brownfield Sites.

H12 – Residential Quality- Layout Considerations

H13 – Residential Density

H18 – The Quality of flat conversions

H20 – Flats over and adjoining buildings in Shopping Centres

H22- Protection of Residential Amenity

TRN3 - Environmental impact of traffic

TRN4 –Measures to make Transport impact acceptable

TRN10 – Walkable environments

TRN11 – The London Cycle Network

TRN15- Forming an access to a road

TRN20 – London Distributor Roads

TRN22 – Parking Standards Non-residential Developments

TRN23 - Parking Standards Residential Developments

TRN34- Servicing in New Development

TRN35 – Transport access for disabled people & others with mobility difficulties

SH5 – Out of centre retail developments

SH19 – Rear Servicing

SH21- Shopfront Design

SH31 - Development of Ealing Town Centre

The following supplementary documents are also considered relevant to this application:

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction and Pollution Control."

Supplementary Planning Document - S106 Planning Obligations.

SUSTAINABILITY ASSESSMENT

The site is not within a Growth Area. The applicants therefore need to meet Code for Sustainable Homes 3, BREEAM Excellent and 20% on-site renewables. The application is accompanied by an Energy demand and renewables option assessment in accordance with London Plan policy, and

includes the assessment of the feasibility of CHP. The Mayor's Policy on 20% CO2 reduction from onsite renewables has now been adopted and any proposal would need to achieve this as a minimum standard. The applicant's report finds that CHP is the most viable renewable energy. However it states that the CHP would be gas-fired. This is not considered "renewable" under the current London Plan 2004 as consolidated with amendments. The applicants have been asked to demonstrate a boiler room and flue to service the CHP. The Mayor's Energy Hierarchy (be lean, clean, and green,) places CHP second above renewable energy use on site, so its provision is supported, but it cannot be considered a renewable technology under the current Plan. The London Plan is under review, but in the meantime officers have required the applicants to propose an alternative renewable energy in addition to the CHP. The applicant's Sustainability Statement is questionable in that it only appears to propose to off-set 10% of the site's CO2, when 20% off-setting should be sought. Notwithstanding this, no calculations have been provided by the applicants to demonstrate how much is being off-set on site

The Evidence of Proposed Sustainable Design under the Form TP6 mentions solar hot water panels will be located on the roof. However these are not indicated on the roof plan. Furthermore officers consider that the proposed solar hot water panels are likely to compete with the CHP. The applicants have therefore been asked to consider an alternative renewable energy to provide the 20% off-set. (The Council is adopting the approach to not require the off-set of the full 20% as we support the principle of CHP use on site.) The Sustainability Statement refers to PVT and solar thermal panels interchangeably. This is not correct. Officers consider that Solar thermal would conflict with CHP, PV would not. If PV is proposed, the applicants have been asked to provide the calculations for how much of the CO2 on site is off-set now. The proposed PV panels should also be shown on the roof plan. An update of the amount of CO2 off-set on site and the combined efficiency measures achieved by CHP and PV panels will be provided in the supplementary. Heads of terms shall require 20% off-set of renewable technologies in addition to CSH3 and BREEAM Excellent as part of the s106.

The proposal should also take into account the measures detailed within the Council's SPG 19 and any application should be accompanied by a TP6 Sustainability Checklist which achieves a rating of at least 50%. The applicants have provided a checklist that is scored at 51%. Officers score them at 12.5% but this is largely due to the failure to demonstrate details. For example, the TP6 makes no reference to the fact that the site is in an AQMA, and associated measures to ensure air quality is not harmed by the development. The following is a suggestion of areas that could be examined:

- 2.3f) As submitted, the development intensifies cars on the existing road networks, this may be reduced if the development does not result in a net increase in cars on site
- 2.4f) As submitted the proposal does not provide a clear pedestrian route to the residential development. This must be addressed, and could increase the score.
- 4.3h) Passive ventilation is not specified
- 4.3j) please confirm that heat recovery will be undertaken on the mechanical ventilation system.
- 4.3l) Localised lights with user controls are not specified anywhere
- 4.5 a-e) None of the water saving measures are specified anywhere- are these in the missing Sustainability Statement? - resulting in -35 score
- 6.1 a-i) None of the air quality measures are detailed – resulting in a -85 score
- 6.2 k/l) No noise reduction measures are specified
- 6.4t) Organic composting facilities should be detailed on the submitted drawing

Officers expect a revised TP6 form to achieve a score of at least 50. This will be a head of term within the s106 agreement.

CONSULTATION

Consultation letters were sent out on the 06/01/11 to 36 properties including properties on Ealing Road and Douglas Avenue

2 letters of objection have been received raising the following issues:

- The area already has litter problems,
- Ealing Road has severe congestion problems for vehicles and pedestrians, particularly at weekends and the high-storey proposal will worsen the local quality of living and traffic problems in Douglas Avenue, particularly the proposed road access
- The development will lead to a loss of privacy, and cause noise, pollution and dust at all times of the day and night, impacting on the enjoyment of the adjoining house and garden.
- The size of the building is out of keeping with neighbouring properties and will be visually overbearing.
- The development will lead to a loss of privacy to the neighbouring home and garden
- The building is visually overbearing, out of keeping with the locality
- The development is out of scale with the locality
- The new development will raise additional noise, fumes and dust pollution
- The development has an over-provision of parking, and therefore the development does not encourage sustainable transport measures.
- Trading times should be restricted to minimise disturbance at evenings/ Sundays
- The Council should seek obligations to mitigate against the development impacts, such as sustainable transport measures, social housing, environmental enhancements and community facilities.

2 Site notices 13/01/11

Press notice 20/01/11

Environmental Health - No comments received, conditions likely to require measures to prevent dust entrainment in an Air Quality Management Area (AQMA), self-closing doors, controls over proposed extract ventilation systems and the requirement that construction/ demolition works and deliveries are only undertaken within set hours.

Landscape - No objections subject to conditions relation to hard/ soft landscaping and amenity roof details. A method statement for the lawful elimination of Japanese Knotweed on site is required.

Highways - Initially raised objections to the proposed development, which had a basement layout that could not be supported, as it would have raised highway safety concerns and servicing problems, in addition to an inadequate cycle store. As the site has PTAL4 the Engineers are content with a car-free development subject to s106, (no permits to be issued to residents or businesses if a CPZ were to be introduced.) According revised drawings are sought reducing the car parking provision and providing space for an 8m rigid lorry, (8m by 3.5m) this could be dually used for a rigid lorry and van, in addition another transit space (6m by 3m,) is required for the retail units. Both should be capable of being used at the same time. Cycle parking provision is also required.

REMARKS

Introduction

The application proposes the demolition of the existing buildings and the erection of a 4-storey mixed-use development consisting of ground-floor and basement retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) 440sqm offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping.

Policy issues arising from Proposed Uses

The proposal will provide 440sqm of office space at first floor and 445.7sqm of commercial A1/A2/A3 floorspace at ground floor. The site faces onto Ealing Road and falls within Ealing Road's Town Centre as designated in the Core Strategy. This means that the siting of the 4 proposed commercial units is compatible with the Council's retail policies. The proposed use

classes A1-A3 at the ground-floor and basement are acceptable in this location. The proposed office on the first floor is considered appropriate in the Town Centre and complies with the sequential approach to development within policy CP16. As this amount of commercial floorspace generates parking and servicing implications, officers feel that it is necessary to include a condition that the office space may not be subdivided into separate units, but must instead operate as one business. The applicants have agreed to this as a condition of approval.

Design and Layout

The principal views of the proposed development from the public realm are those provided from the streetscene to the west on Ealing Road and Douglas Avenue to the south. The building is 4 storeys at its highest. This scale of development is considered appropriate for an urban, "town centre" site. It should be noted that application 08/2151 was reported to committee previously for a mixed use development on site up to 4 storeys. The Council's Urban Designer finds that the development has a clean, simple elegant geometric form of 4 storeys. The ground-floor is glazed retail frontage supporting 2 storeys of brick frames balconies to 9 flats. The attic storey sits on top and is constructed in a light-weight frame system with glass and panel infill. A warm brown/ orange brick is to be used. Further amendments have been agreed with the applicant to further articulate the eastern and northern elevations, and revised drawings are awaited. The Council's Urban Designer also required the solid elevation treatment to be continued up to the top floor in places, which was felt to improve the buildings appearance by integrating the top-floor with the rest of the proposal. The applicants have introduced a small area of brickwork in the top-storey, and chimney detail which is considered to facilitate this connection.

The existing site frontage on Ealing Road consists entirely of a hardstanding forecourt partly surrounded by railings. There is no authorised vehicular access. The proposed design brings the building-line forward in the streetscene, matching the building line of the previously approved scheme. This minimises the opportunity to provide any significant planting in front of the building. However at ground floor the building will be set-back by 2.8m from the back of the Ealing Road pavement creating a deeper more expansive public space in front of the new building, which will also be sheltered by the upper floors of the building which partly oversail this expanded public space

The Council's Highway department welcome this addition to the public realm, particularly as the pavement along this stretch of Ealing Road is constrained. The Council's Highways Department have indicated that they would be willing to adopt this new public area. This will assist the maintenance of visibility splays at the junction and the circulation of pedestrians adjoining a bus stop. The commercial units at the ground-floor provide shop windows which are a modern design that compliments the proposed building. The design provides an active street frontage.

The main pedestrian access to the proposed flats is provided from Douglas Avenue. The entrance, lift and stairwell provide separate access to the residential development from the commercial premises. There is also the entrance to the first floor offices and a reception area here. The entrances are set back 1.2m from the edge of the footpath, providing an active frontage, but also allowing soft landscaping to be established to soften the approach to the development and assist its integration in the streetscene. The entrance areas separate the streetscene from an amenity courtyard at ground-level to the rear. This also contains the servicing bays and a disabled parking space. Cycle stores for the residential and office developments are provided at ground level. A residential refuse store for waste and recycling is at street-level and has inward opening doors to prevent pavement obstructions. A commercial goods lift provides access to the basement for servicing the A1/A2/A3 and B1 uses in addition to the commercial refuse store. Amended plans are awaited that demonstrate this layout.

The Council's Principal Landscape Designer has identified an area of Japanese knotweed in the north-eastern part of the site, which requires special removal and this will form the subject of a condition. An existing street tree is likely to be damaged by the proposed access positioning and proximity to the proposed building. A s106 charge will be made for the provision of additional

off-site landscaping to address this loss and the limited opportunities for introducing landscaping on the Ealing Road frontage.

On all elevations the windows serving the proposed flats at first and second floor have been poorly detailed and do not relate in size or scale to other features. It has been suggested that the windows are altered in order to co-ordinate their proportions. Amended plans are awaited.

Quality of Residential accommodation

The proposed residential unit sizes vary. There are four 2-bed units, four 1-bed units, one 3-bed unit. All of the flats exceed minimum floor-space guidelines set out within the Council's SPG17, some quite significantly, (for example flats 301, 302, that are 80sqm rather than 65sqm, which are the minimum floorspace guidelines.) This is likely to provide for a better quality of accommodation. The proposal does not under-use the site as it complies with London Plan 2008 density guidelines, (see section on Density below.)

The proposed flats outlooks are generally good. None of the flats are solely north-facing. There are sufficient distances between proposed window openings and boundaries in order to comply with guidelines within SPG17, which aim to allow for adequate light and privacy for new residential units and adjoining residential properties.

Amenity space

The main detailed amenity space for the proposed dwellings is the proposed communal roof garden on the third floor and terrace for the 3-bedroom unit 205 on second floor. A canopy area provides some weather protection. Privacy screen details shall be conditioned. Each of the flats will have access to privacy recessed balconies. Some of these are in excess of 11sqm, and the smallest is 6sqm. All are at least 1m deep, providing useable amenity space. In order to meet Brent's SPG17 guidelines approximately 210sqm amenity space is required for the proposed unit mix. As originally submitted the proposal was significantly short upon the space provided. Revised drawings are expected to provide approx 150sqm, leaving a shortfall in the amenity space provision on site. In order to comply with guidelines within SPG17 the applicants have been asked to provide a £10,000 contribution towards local open and play space improvements through the s106 accompanying this application, which they have agreed to in principle.

Impacts on adjoining residential development

Objections have been received from third parties living to the east of the site. They raise concerns over the amount of parking proposed and use and hours of use of the proposed car park area. Since the application was received amended drawings have reduced the parking provision on site, and further amendments to reduce this still further are anticipated. The use of the current car park area is not physically controlled. The proposal incorporates gates/ bollard to control access, to ensure that this area will be more tightly controlled than it is now. The proposed access is set 0.8m off the boundary with Pearl Oyster and a landscape buffer has been proposed to soften the impact of vehicle parking and manoeuvring on the adjoining occupiers. This is an improvement upon the wall and impromptu narrow shrub barrier on site now.

Neighbours have also raised concerns that the development will add to local congestion problems for vehicles and pedestrians. The proposal has been assessed by the Council's Highway division against relevant local planning policy transportation guidelines and largely complies. This is discussed further below. In addition, the legal agreement associated with the development is expected to generate funds towards non-car access/ highway improvements and /or parking controls to improve the local area.

Pearl Oyster, (which is subdivided into 2 flats) is the name of the building on Douglas Avenue adjoining the site, has non-habitable windows within the side elevation facing the development site. The nearest part of the proposed building has a terrace at second floor. There is one glazed access door facing the neighbouring building. However this is sufficiently forward in the plot that it is in front of the building at Pearl Oyster and will not have direct sight of the neighbours' side

elevation and will have no direct sight over the existing neighbouring private garden. The proposed terrace is set over 7m from the shared eastern boundary and over 13m from the northern boundary. It will have privacy screens to the north and east, to prevent any overlooking opportunities and safeguard the amenities of adjoining occupiers. The forward positioning of the proposed roof garden within the plot is such that it will not afford views of the private amenity areas of Pearl Oyster given the position of the neighbouring building and the fact that there are no habitable room windows within Pearl Oyster's western elevation. These site circumstances will also prevent the proposed building being overbearing on adjoining occupiers.

11m separate the proposed front block on Douglas Avenue with roof garden, from the northern boundary that borders the garden area to the rear of 89 Ealing Road. This is considered sufficient distance to maintain neighbouring privacy and complies with guidelines within SPG17. 89 Ealing Road only has non-habitable rooms within its southern facing elevation.

Parking and servicing

The original submission incorporated excessive parking levels including ground floor and basement parking areas. With regard to vehicular access in general, there were significant concerns with regard to the design of the proposed access ramp to the basement car park, which incorporates a 90° bend around which there would be no inter-visibility between vehicles entering and leaving the car park. With the tightness of the bend not allowing two cars to pass one another, the design is considered to be unsafe. The gradient of the access ramp is also very steep and no indication has been given that any transition lengths would be provided at either end to minimise the risk of grounding. As guidance, the gradient should not exceed 5% for a distance of at least 4m from the highway boundary, which will also help to ensure adequate visibility to the back of the footway. Clarification is also needed on the minimum headroom along the ramp to ensure it is accessible to transit vans and high-top conversion vehicles.

Given the difficulties arising from the combination of trying to provide an acceptable design for the basement access ramp, overprovision of parking and poor servicing arrangements, officers suggested that the basement car park be deleted. This would then provide more space at ground floor level to achieve a suitable layout that can accommodate the servicing, parking and access requirements. This would also help should a future access route through to 85-89 Ealing Road still be desired at the rear of the site

The site lies in a controlled parking zone but has good access to public transport (PTAL4) with proximate rail stations and bus stops. As the site has good access to public transport services and is located within a CPZ, a reduced allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-bed unit applies to the residential floorspace, whilst a reduced allowance of one space per 300m² applies to the offices. As such, up to 6.8 residential car parking spaces would be allowed. However, officers support in principle a "car free" development that residents and occupants of the commercial premises shall not be entitled to on-street parking permits should a CPZ be developed in the future. This will form part of the s106 associated with the development. One disabled space is provided in accordance with planning policy TRN35. The parking area is to be delineated by gates. The applicants have been requested to relocate the gates so that they are at least 6m away from the rear of the footpath in order to prevent highway obstructions. Amended drawings are awaited.

Standard PS16 requires one secure bicycle parking space per residential unit, whilst the offices would require at least four spaces. 9 residential spaces and 4 office cycle spaces are shown within dedicated cycle stores and additional stands are provided within the development frontage within the forecourt area in front of the proposed shops on Ealing Road to service the A1/A2/A3 uses.

The proposal currently provides spaces to accommodate an 8m rigid lorry for the offices, (8m by 3.5m) that could be dually used for a rigid lorry and van, in addition another transit space (6m by 3m,) for the retail units. A servicing management plan shall be required as a Head of term within the associated s106 legal agreement in accordance with Policy TRN34.

Noise

There are currently commercial units on ground-floor with residential units above. However, the scheme will be expected to meet Building Regulations insulation requirements and if built to modern standards, noise emissions between floors are not anticipated to be problematic.

The applicants have been requested to provide details of internal ducting for all 3 commercial units rather than just the one currently shown. This is in accordance with Policy BE17 which requires building services equipment to generally be accommodated inside proposed buildings. Amended drawings are awaited to show this.

Other issues relating to noise raised by the Council's Environmental Health division may be satisfactorily conditioned. This includes measures to prevent dust entrainment in an Air Quality Management Area (AQMA), self-closing doors, controls over proposed extract ventilation systems and the requirement that construction/ demolition works and deliveries are only undertaken within set hours.

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required.

Density

The site has a PTAL of 4, which in an urban context would fall within the 200-700 hr/ha, 55-255 u/ha ranges on the Mayor's London Plan matrix. This scheme would result in a density of 266hr/ha and 100u/ha. This is within the tolerances for the unit number and habitable rooms/ hectare compared with the London Plan guidelines.

Conclusion

The amended scheme is considered a high quality design that will provide a mixed use development within Ealing Town Centre. Subject to amendments, conditions and s106 obligations the proposal is considered to relate satisfactorily to the local streetscene context, neighbouring amenities and highway network. Accordingly officers recommend that the application be approved.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
The London Plan 2004 as consolidated with amendments
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".
Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction and Pollution Control."
Supplementary Planning Document - S106 Planning Obligations.

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning 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):

10052 EX. 00	10052 EX. 01
10052 S.00	10052 GS. 00A
10052 GS. 01A	10052 GS. 02
10052 GE .01A received 09/02/11	10052 GE .02A received 09/02/11
10052 GE .03A received 09/02/11	10052 GE .05A received 09/02/11
10052 GA .01 received 02/02/11	10052 GA .02A received 02/02/11
10052 GA .03A received 02/02/11	10052 GA .04A received 02/02/11
10052 GA .05A received 02/02/11	10052 GA .06A received 02/02/11

Energy Statement
Design & Access Statement
Sustainable Development Checklist

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

- (3) Prior to occupation of the development hereby approved
- a) the proposed refuse and recycling facilities for residential and commercial uses shall be installed on site
 - b) 4 publicly accessible Sheffield bicycle parking spaces in the Ealing Road forecourt

shall be installed and completed in all respects in accordance with the approved details before the buildings are occupied.

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

- (4) Prior to the commencement of the use of any part of the approved development all
- a) parking spaces
 - b) turning areas
 - c) loading bays - which will be marked for use only as a loading area

shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely in connection with the development hereby approved and for no other purpose.

Reason: To enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.

- (5) All existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway safety.

- (6) The proposed vehicle access gates/ bollard shall not be set closer than 5m to the back of the public footpath unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of highway safety and to prevent unnecessary highway obstructions

- (7) Notwithstanding the submitted plans, this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (8) During demolition and construction on site:-
(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site;
(b) - Construction/ refurbishment/ demolition works and ancillary operations that are audible at the site boundaries, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and At no time on Sundays or Bank Holidays;

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (9) a) The external doors for the ground-floor commercial uses shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area. No use of the ground-floor commercial premises shall take place until such time as the external doors has been fitted with self-closing devices, unless otherwise agreed in writing by the Local Planning Authority
b) Any musical amplification systems that may be used in the commercial units shall be maintained at a level that is at least 10dB below the external background noise level of the nearest noise sensitive premises. Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

- (10) Deliveries/ unloading/ loading associated with the application site shall only be between the following hours:
08:00 – 18:00 - Monday to Saturday
Not at all - Sundays/Bank Holidays
Unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard the reasonable amenities of adjoining residential properties

- (11) No windows, glazed doors or other openings (other than any shown in the approved plan) shall be constructed in the northern and eastern walls of the building, without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (12) The forecourts between the proposed commercial build-lines and both highways shall not be used for trading purposes without the prior written consent of the Local Planning Authority

Reason: In order to prevent unnecessary streetscene clutter and obstructions of the public footpath.

- (13) The first floor offices hereby approved shall be used shall not be subdivided into separate occupancies at any time and shall be operated as one B1 business premises unless otherwise agreed in writing by the Local Planning Authority

Reason: In order for the Council to maintain control of occupancy to ensure servicing is adequately controlled

- (14) The proposed basement shall only be used to provide ancillary floor-space in conjunction with the ground-floor units and cannot be subdivided to provide self-contained units without the prior written consent of the Local Planning Authority. The use of the basement shall be restricted to storage, plant, sanitary accommodation, kitchens and preparation areas to serve the commercial units above unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the over-intensification of commercial use at the site, and in order for the Local Authority to control servicing of the development

- (15) Details of materials for all external work with samples, (including choice of bricks, cladding, windows, doors, balcony details and screens) and recessed walls feature details on the northern and eastern elevations shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and those details, once approved, shall be fully implemented.

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

- (16) No development shall commence unless the applicant submits details of all ground-floor areas indicated for hard and soft landscape works on the approved plan. These shall be suitably landscaped with trees/ shrubs /plants and hard surfacing in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall indicate by not be limited to:-

- a) soft landscaping including plant sizes, and densities of planting for plants, shrubs and trees
- b) hard surfacing for paths and including the use of permeable paving for the servicing area
- c) other appropriate matters within the context of a landscaping scheme, such as details of seating, and usage of areas;
- d) treatment of the roof terraces,
- e) general arrangement of hard and soft landscape; construction details of roof; drainage; waterproofing; proposals; indicative sections across roof
- f) substrate depth to soft landscape the roof gardens – to be a minimum of 100mm for sedum/wildflower; 150mm for turf; 300-450mm for shrubs and 600mm for trees. Areas of soft landscape/planting should cover at least 70% of total roof space.
- g) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape. Water points should be provided for the main communal terrace at third floor, ground floor rear courtyard and Douglas Avenue frontage

Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and

size to those originally planted.

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

- (17) a) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.
- b) Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

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

- (18) Prior to development commencing, full details of

- a) the proposed third floor roof terrace's weather-proofing
b) methods of screening the second and third floor roof terrace areas to prevent overlooking, and
c) balcony screens

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details shall be implemented in accordance with the approved details prior to the occupation of the building.

Reason: In order to enhance the amenity value of the proposed communal amenity area, and safeguard neighbouring occupiers

- (19) No development shall commence unless the applicants submit a method statement for the lawful elimination of Japanese Knotweed on site, which shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be undertaken in accordance with these approved details prior to the commencement of development

Reason: Japanese Knotweed is an invasive non-native plant, which is restricted under s14 of the Wildlife and Countryside Act 1981. It is regarded as controlled waste.

- (20) No development shall commence unless prior to development commencing, further details of the private commercial and residential secure bicycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied.

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

- (21) Prior to the commencement of any A3 use, details of suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to commencement of the use and thereafter maintained.

Reason: To safeguard the amenities of the occupiers of adjoining property

- (22) a) Details of any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves unless otherwise agreed in writing.
- b) The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
- c) Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

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

- (23) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirm that lifetime homes standards has been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

INFORMATIVES:

- (1) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the building works in the site. Unless otherwise agreed in writing by the Council this must include:
- damping down during demolition and construction, particularly in dry weather conditions,
 - minimising the drop height of materials by using chutes to discharge material
 - damping down the skips/ spoil tips as material is discharged,
 - sheeting of lorry loads during haulage and employing particulate traps on HGVs
 - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
 - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
 - the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation in an Air Quality Management Area.

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



Planning Committee Map

Site address: 93 & 93A, 94 & 94A, 95, 96 & 96A, 97 Ealing Road, Wembley, HA0

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This map is indicative only.