

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

28 June, 2017
03
16/1506

SITE INFORMATION

RECEIVED	12 April, 2016
WARD	Wembley Central
PLANNING AREA	Brent Connects Wembley
LOCATION	290B Ealing Road, Wembley, HA0 4LL
PROPOSAL	Demolition of existing warehouse (Use Class B8) and ancillary buildings and erection of part-two, part-three storey residential development providing 9 self-contained units (1 x 1 bed and 8 x 2 bed) with associated cycle parking, bin stores, landscaping and amenity space (car free development) (Revised drawings)
APPLICANT	Ms Vazirani
CONTACT	HTA Design LLP
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>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_127500</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "16/1506" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

It is recommended that the Planning Committee resolve to grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

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

- 1) Payment of Council's legal and other professional costs in preparing and completing agreement, and monitoring and enforcing its performance;
- 2) CPZ contribution of £5,000;

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 Development Plan by concluding an appropriate agreement.

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. Standard 3 year permission
2. List of all approved plan numbers/documents
3. Water consumption levels
4. Implementation of refuse storage area
5. Restriction of permitted development rights under Part 1 Class A to E of the GPDO
6. that the units are "parking permit restricted"
7. Details of obscure glazed windows
8. Approval of details of materials
9. Approval of landscaping details
10. Approval of cycle parking
11. Approval of an Air Quality Neutral Assessment
12. Approval of insulation to ensure an appropriate noise environment
13. Approval of a Construction and Demolition Environmental Management Plan
14. Approval of a Site Investigation (Contaminated land)
15. Confirmation of the implementation of remediation measures (contaminated land)
16. That the units are "parking permit restricted"

Informatives

1. CIL Liable approval
2. Asbestos
3. Notification of highways regarding the commencement of works to allow a photographic survey of the highway

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: 290B Ealing Road, Wembley, HA0 4LL</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 construct a part two, and part three storey building in its place. It would contain nine self-contained units, of which one would have one bedroom, and the remaining eight would have 2 bedrooms. There would be associated cycle parking, bin stores, landscaping and amenity space.

EXISTING

The site is located on the western side of Ealing Road, to the rear of a parade of commercial units with residential uses above. The junction with Mount Pleasant is opposite. The site contains a vacant commercial unit, which was used for milk storage and distribution (B8). It is accessed from a passageway to the south. The existing building is two storeys in height, with an ancillary office element to the south, and the main storage element to the north of the site.

The rear of the parade to the east has been extensively altered, although it appears that many of these alterations have been made without planning permission having been sought. To the north are residential properties (and their gardens) which front on to Ealing Road and St James' Gardens. To the west and south is Alperton Community School, which is in the process of being rebuilt following a relatively recent granting of planning permission. On the eastern side of Ealing Road are commercial properties and a relatively recent residential development.

There are no designations on the site itself.

AMENDMENTS SINCE SUBMISSION

Amendments have been made to the development since it was originally submitted. The initial design was for a building to contain two 1 bedroom flats, three 2 bedroom flats, and four 2 bedroom maisonettes. The building was set forward to allow for rear amenity spaces for a number of the units, and there were terraces at the front at second floor level. It was predominantly three storeys in height, but with a two storey element in the northern part of the site. Concerns were raised about the development. In particular, this was due to the impact on neighbouring properties and the quality of the accommodation itself.

The applicant subsequently amended the development. Nine units remained, but the number of 1 bedroom flats increased by one, at the expense of a 2 bedroom unit. Amenity space remained to the rear, with a large terrace at the front serving one of the units. The building was set back further. However, concerns remained, and they again centred around the impact on neighbouring properties and the quality of the accommodation itself.

Further amendments were made, which are the subject of the assessment below. There would be nine units, and all but one would be two bedroom units houses. There would be a further setback with the ground floor now pushed against the western boundary of the site. The element of the proposal at the northern most part of the site has been amended to be single storey.

SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

- **Representations Received:** - There have been 3 separate consultations carried out. The first generated 23 representations. The second generated a further 16 representations, although some were reiterating points made previously. The same applied when the third consultation was carried out, and a further 23 representations were received. They principally raised concerns regarding scale and design of the proposal, the quality of the accommodation, the impact on neighbours and local infrastructure.
- **Land use:** –The loss of the existing uses on site is considered given that it is a vacant commercial use with very limited potential of re-use for employment purposes given its siting and access arrangements, and there is a need for additional housing.
- **Design, layout and massing:** – The height of the building would be taller than what is there now but would be subservient to the frontage block. There is some variation in the heights of buildings nearby. The proposal is considered to be high quality design, making efficient use of the site which provides additional natural surveillance of the rear of the shopping parade, improving the level of safety and security for residents of the existing dwellings above the shops.
- **Quality of the resulting residential accommodation:** – The residential accommodation proposed is of

sufficiently high quality, meeting the appropriate standards for internal space. The flats would have reasonable amenity space, outlook and privacy, but the constraints of the site are such that it is not as high as would be achieved in some other locations.

- **Neighbouring amenity:** – The proposal accords with the guidance set out in SPG17 in terms of the 30 and 45 degree lines, with the exception being the relationship with the garden to the north for which the proposal does not accord with the 45 degree line but actually improves the relationship when compared to the existing building on site. The proposal does not result in an unduly detrimental impact on the amenities of adjoining occupiers.
- **Highways and transportation:** – The site has good access to public transport and the proposed units would be parking permit restricted to mitigate the potential for overspill parking. The proposed units would use the existing access to the rear area which is relatively narrow, but is constrained by the existing parade of shops and it is not possible to improve this.
- **Environmental impact, sustainability and energy:** – There are opportunities to condition that features such as bird and bat boxes, sustainable urban drainage, and water consumption are incorporated into the design.

MONITORING

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

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
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	0		0	0	
Non-residential institutions	0		0	0	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	0		0	0	
Storage and distribution	871		0	0	

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
PROPOSED (Flats û Market)	1	8								9

RELEVANT SITE HISTORY

There is no planning history at the site itself, but the following are relevant:

October 2003: Planning permission (ref: 03/1967) **refused** at Alperton Mini Mart, 290 Ealing Road for "Erection of a single-storey rear extension to ground-floor retail shop".

CONSULTATIONS

Consultation with neighbours

Letters were sent to neighbouring properties on in May 2016. Following this 23 representations were received, raising a number of issues. Following amendments to the development further letters were sent in January 2017. Following this a further 16 representations were received, although 9 of these were from people who had objected previously. They mostly raise the same issues as previously Following further

amendments to the development further letters were sent in May 2017. Following this a further 21 representations were received from people who had objected previously. They mostly raise the same issues as previously.

Objection	Paragraph discussed in / response
<p><i>Design</i></p> <ul style="list-style-type: none"> • The building is higher than the existing structure. • The proposal would be visually overbearing. • The proposal is not appropriate to the character of the area. • The building is too high for a backland site, and would have an overbearing impact on nearby residential properties including the school house and 270 Ealing Road. 	<p>See paragraphs 5 - 9.</p>
<p><i>Quality of the resulting residential accommodation</i></p> <ul style="list-style-type: none"> • The proposal represents overdevelopment of the site, and the numerical density needs to be interpreted with caution. • The rear area is used for refuse storage and parking and the relationship with future residential units would not be appropriate. • There would be poor outlook from the proposed residential units on to the service road and the rear of commercial premises. • Children will not be able to play in the rear area safely. 	<p>See paragraphs 10 - 21.</p>
<p><i>Neighbouring amenity</i></p> <ul style="list-style-type: none"> • Overlooking from balconies into existing habitable rooms, balconies, and commercial properties. • The proposal would remove the tranquillity of existing rear gardens which currently exists. • There is currently a locked gate, and security would be compromised by the proposal. • The proposal would ruin the view from the existing terraces. • Perception of security being compromised by overlooking from future residents. • Loss of daylight. • Construction impacts including noise, dust and pollution. • The rear area is used for refuse storage and parking and the relationship with future residential units would not be appropriate. • There would be poor outlook from the proposed residential units on to the service road and the rear of commercial premises. • There are already problems with waste collection and the proposal would make this worse. • The school building is already overbearing and the proposal will make the situation worse. • Future occupiers will be able to look into the classrooms of the school and vice versa. 	<p>See paragraphs 22 - 31.</p>
<p><i>Highways and transportation</i></p> <ul style="list-style-type: none"> • The rear access would be impacted on where deliveries for the commercial uses are undertaken. The proposal may necessitate them taking place at the front, which could impact on the viability of the businesses and create disruption on the public highway. • Vehicles would have to reverse out of the site. • The businesses have car parking spaces at the rear, and use this area for deliveries and servicing. Leases exist to guarantee this. • There are safety concerns about having residents and servicing vehicles using the same space. 	<p>See paragraphs 32 - 36.</p>
<p><i>Other matters</i></p> <ul style="list-style-type: none"> • The proposal would put pressure on local infrastructure. • The applicant has not consulted local residents and businesses, whilst others consider that the consultation done was not adequate. 	<p>See paragraphs 42 - 49.</p>

- Concern about contaminated land and asbestos.
- The proposal could increase problems of rodents.
- The proposal includes a portion of a neighbouring garden.
- Concern about who would end up living in the properties, and whether they would be affordable or not, which would have different impacts.
- The proposal would result in property prices decreasing.
- There is no legal right to access the northern part of the site from the existing access way.
- The proposed amendments do not go far enough to address concerns previously raised.
- Concern about the length of time it has taken to make a decision on the planning application, and unclear why this is the case.
- There is already anti-social behaviour with young men drinking alcohol on the service road, and the proposal will make this worse.

Internal consultations

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

- Environmental Health – No objections subject to conditions.

External consultations

No external consultees were consulted, given the type of application and the nature of the proposal.

POLICY CONSIDERATIONS

National Planning Policy Framework

London Plan (2016)

Policy 2.15 – Town centres

- 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 3.8 – Housing choice
- Policy 3.9 – Mixed and balanced communities
- Policy 3.13 – Affordable housing thresholds
- Policy 5.15 – Water use and supplies
- Policy 6.9 – Cycling
- Policy 6.10 – Walking
- Policy 6.13 – Parking
- Policy 7.4 – Local character
- Policy 7.5 – Public realm
- Policy 7.6 – Architecture

Core Strategy (2010)

- CP 1 – Spatial Development Strategy
- CP 2 – Population and Housing Growth
- CP 6 – Design & Density in Place Shaping
- CP 14 – Public Transport Improvements
- CP 15 – Infrastructure to Support Development
- CP 16 – Town Centres and the Sequential Approach to Development
- CP 18 – Protection and Enhancement of Open Space, Sports and Biodiversity
- CP 19 – Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP 21 – A Balanced Housing Stock

Development Management Policies

- DMP 1 Development Management General Policy
- DMP 2 Supporting Strong Centres
- DMP 7 Brent's Heritage Assets

- DMP 12 Parking
- DMP 14 Employment Sites
- DMP 18 Dwelling Size and Residential Outbuildings
- DMP 19 Residential Amenity Space

Supplementary Planning Guides

- Design guide for new developments (SPG 17)
- Waste planning guide

Supplementary Documents

S106 Planning Obligations SPD 2013

DETAILED CONSIDERATIONS

Background

1. The proposal was amended following concerns raised by the Council about the original development. Further consultation was undertaken following these amendments, but it was not considered that this had addressed the issues to the point where planning permission can be granted. The applicant then resolved to further amend the proposal, and a further consultation followed. This assessment is based on the most recent drawings.

Land use

2. The proposal would result in the loss of the existing commercial use, and this is the subject of policy DMP14. It is understood that it was historically used for the storage and distribution of milk, and so is considered to be a B8 use. However, the distribution of milk (and other goods) has changed in character, scale and location, and the site has become vacant. The site visit demonstrated that whilst the building appears structurally sound, it is not equipped for modern distribution. It is relatively small, does not have level access from the street, and the vehicular access is very limited. Therefore, there appears little prospect of it being used for another B8 use.
3. DMP14 considers employment sites more generally and notes that where non-employment uses are proposed the site should incorporate the maximum amount of existing floorspace type or managed affordable workspace. There would be no objection to an element of commercial uses being proposed (which would logically be B1). However, the same problems with access would remain, and there is little prospect of them being rectified. There would be no frontage for a commercial unit, and whilst this is not required for all uses, it would restrict its appeal. Therefore, there is not considered to be an objection to the loss of commercial uses in principle.
4. This suggests that a residential use could be acceptable. Policy CP2 identifies the need for housing, and so there is no objection to this in principle, although the specific details are important and are considered below.

Design

5. The site is not within a conservation area. There are no listed buildings on the site or in the vicinity. The existing buildings and structures on site are not considered to be high quality, and there is no objection to their loss.
6. The replacement building would be part 1 and part 3 storeys, although mostly 3 storeys. The bottom two storeys would be predominately brick, but the set back upper floor would be clad in copper and partly angled at 45 degrees. The context of this is that the terrace in front of the site is part 2 and part 3 storey, and there have been a number of rear extensions to these properties. The southern two-thirds of the terrace has 3 storeys, and the northern third drops to two storeys. Pitched roofs then increase the height. Further north are traditional semi-detached dwellings of two storeys with a pitched roof. To the rear is Alperton Community School, which is being re-constructed and has greater height, bulk and mass reflecting its use. To the west is a largely residential area of semi-detached dwellings and rear gardens. Elsewhere on Ealing Road there is some variation in terms of building design, height and use and it is acknowledged that there is far from being complete uniformity. Nevertheless, it is generally made up of larger buildings fronting on to Ealing Road and residential houses in the roads leading off from this.

7. The siting of the development is such that it would be visible from the south when travelling up Ealing Road, and down the side access way. There would be some views from the north and west but they would be more limited between the northern side of the terrace and 270 Ealing Road. There would be private views from all sides. With the exception of the single storey element, the proposal would be greater in height than the residential properties to the north and north-west. The pitched roof of the existing 3 storey element of the terrace in front of the site makes it taller than the proposal by a little over 3m. However, the difference is negligible where the existing terrace drops to 2 storeys with a pitched roof. The single storey element of the proposal is very small, and it is mostly 3 storeys.
8. When viewed from the garden of 270 Ealing Road the existing site has a high boundary wall, which appears to be a historical arrangement. It is not a wall that would typically be found dividing residential properties, but is more likely due to the site being in commercial usage throughout its life. The proposal is now such that immediately adjacent to this would be a single storey structure (where previously it was two storeys which would have been detrimental). Beyond this the proposal then increases to 3 storeys, and this would be visible from the rear of this property. The depth of the proposal has now been reduced so it is considered to appear less imposing than was previously the case. This is considered to provide some level of balance between the increased height. Comments below on *Neighbouring Amenity* are also considered relevant. The school is larger than the proposal, and other buildings nearby, which is not untypical of a 'public' or civic building. From the south the proposal would also be visible, even though there is some tree cover. The proposal would be more prominent than what is there now (which has very little impact on the streetscene). However, it is not considered to be detrimental to the character of the area.
9. The specific detailing of the proposal is considered appropriate. The windows and doors would be logically spaced. The materials chosen are considered appropriate, and details could be required via a condition to ensure that they are high quality. Overall, although the building would be taller than what is there now, it would not be as deep, and would be more attractive than the current building.

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

10. The proposal would be for 9 units, and 8 would have 2 bedrooms and 1 would have 1 bedroom. This mix is considered acceptable. The site is constrained and to provide family sized units is not considered ideal in the immediate environment: an objection notes that this would not be suitable for children to play in this area. It logically therefore lends itself to smaller units. An objection notes that the density is misleading. The site has a PTAL of 4, which is good and so in very general terms dense developments are not objected to in principle. When considering this, a more holistic approach to the characteristics of the development has taken place, which is based on more than the numerical density.
11. The units themselves are generously sized. The London Plan standards do not actually provide a standard for 2 bedroom units across 3 storeys, but the units are considered to be sufficiently in excess of the standard given for a 2 bedroom unit across 2 storeys that it is reasonable to conclude that sufficient internal floor space would be provided. The 8 larger units would have living space at ground floor level, and a bedroom and bathroom at first and second floor levels. The 1 storey unit would be marginally in excess of the London Plan standard to accommodate 1 person. It would be across a single level and have its own amenity space to the rear. There is a setback at the front with a small wall providing some defensible space which could be used as amenity space and for the storage of bicycles (see further detail below).
12. The existing access way is not well maintained, and whilst this is not down to the applicant it is not an ideal environment. The existing commercial uses have rear accesses which are used for servicing and deliveries. There are kitchens which will generate odour and noise from air conditioning equipment, which are not regulated by the planning system. It is noted that there are no records of planning permission being granted for a number of the extensions and alterations which have taken place. However, based on dated aerial photographs the extensions appear to have been there for more than 4 years. There are refuse bins in this area, and there appears to be nowhere else for them to be stored. The applicant has looked to address this relationship by setting the building further back than was originally proposed, with defined frontages for each house with a depth of 2.7 to 3.6 m, maintaining an access of a minimum of 4.3 m. This space provides a buffer between the proposed units and the rear access to the shops and flats within the frontage block, whilst increasing natural surveillance of the access route.
13. At their rear, there would be no outlook for the proposed units at ground floor level, with the amended design pushing them to the rear boundary of the site. The outlook would be from the front, which would be onto the front amenity space and the rear of the existing terrace beyond. Above this at first and second floor levels the internal layout means that the windows to the rear would serve landings and

bathrooms which have no real expectation of outlook. The front is again where the outlook would be, with two windows serving the bedroom.

14. The applicant has provided information on the distance between the proposed development and the rear of the parade opposite. The applicant has cited that the guidance within SPG17 is that the 20m distance is between directly facing habitable rooms windows on the main rear elevations. This is slightly complex as it is comparing the front of the proposal with the rear of the existing terrace. Therefore, there is arguably some flexibility within this as the relationship is between dwellings across the primary access to the dwellings (and thus is similar to a street environment, albeit in a mews layout).
 15. The distances between the site and windows in the existing parade would be greater than 20m for much of the length, which is positive. There are points nearer the southern end where the distance would be less, with the tightest point being 17.37m. Responding to this, the three southern units are proposed to have angled windows at first floor level, which would direct the outlook partially away from the existing terrace. At second floor level, there would be a further angled setback which would increase the distance further, and similarly direct the outlook.
 16. There are rear walkways and roof terraces for the existing dwellings where the distance between those walkways and the windows of the proposed dwellings would be less than 20 m. However, as discussed above, this relationship is similar to that across a street and adequate levels of privacy are considered to be achieved for future residents of the proposed units.
 17. Objections note the presence of the school, and there would be terraces at first floor level which would face towards it. The terraces would be very small, and are not considered to be objectionable. The provision of windows and terraces that face school grounds is not contrary to planning policy or guidance and the school has not objected to the proposal.
 18. There is an area for waste storage shown at ground floor level. This is placed to minimise the distance for waste collection (see *Highways and transportation* below). The size is considered appropriate for the residential units, but is not large enough to accommodate the refuse for the commercial units which would have to remain within the rear area.
 19. There is provision for amenity space. Overall, there is less than the 20sqm suggested for each unit, but given the constraints of the site the areas proposed are considered, on balance, acceptable.
 20. The applicant has demonstrated that the internal daylight to the proposed units would be broadly acceptable.
 21. There are site constraints which affect the quality of accommodation, including the current appearance of the access road. However, on balance, the quality of accommodation is considered acceptable.
- Neighbouring amenity***
22. A number of objections note the potential for overlooking from the residential units. The assessment above on the potential for the proposed units to be overlooked applies in reverse: there is potential for the proposed units to impact on the amenity of neighbouring properties.
 23. As noted above the distances between the existing terrace and the proposed development, would be in excess of 20m for much of its length. It does drop below this at some points, towards the south. The angled windows of the proposed development would restrict overlooking to a substantial extent. This would still leave two points where there would be potential overlooking between units, and although the relevant windows would not be absolutely directly facing it is not far off this. To address this, it is proposed to obscurely glaze this window, and this would be secured through a condition.
 24. The existing amenity spaces and walkways which serve some of the existing units within the terrace would be overlooked by the residential units. However, the existing parade can already overlook these spaces anyway and these front the rear service area which is used to access the existing residential units above the shops and the ground floor commercial units. The introduction of additional units is not therefore considered to result in this being materially worse.
 25. The nearest residential unit to the north would be 270 Ealing Road. The straight line distance between the site and this property is less than 20m. As noted above the single storey element would be immediately beyond the boundary wall, with the 3 storey element then beyond this. The windows would face the rear of the existing parade rather than the site itself. For this reason direct overlooking would not

occur, and the angle is such that in practical terms there would be a negligible impact. This is in contrast with the earlier incarnations of the development, where there were concerns about overlooking as the development was two storeys immediately adjacent to the boundary. Further to the north and the north west, other properties are at least 20m away from the site, where they would not experience any overlooking.

26. Objections note that the proposal would overlook the school. As noted above there would be small terraces, and windows serving non-habitable rooms. This is not an untypical relationship and it is not considered that this represents a problem for the operation of the school.
27. The applicant demonstrated that the impact in terms of daylight and sunlight to neighbouring properties of the *original* proposal was acceptable. The amendments have slightly lessened the impact so are considered acceptable in this regard.
28. The proposal would not create additional noise impacts. There is no aspect of the development which is considered inherently unsuitable by virtue of generating noise which would disturb to this environment. The same is true of odour and obtrusive light, and the development is not expected to create any particular problems in terms of microclimate and wind given its height.
29. Objections note the impact on security. There is a locked gate which provides access to the rear of the site. As a general point having more people using this gate could make it more likely that it will be left open. However, the residential units would provide some natural surveillance, and so the overall impact is considered neutral or beneficial. Future residents are also likely to be protective of their own security.
30. An objection suggests that the existing problems with waste collection would be made worse. The proposal would provide its own refuse storage, and so it is not considered that the impacts would be made worse. It would be the proposed units which would be affected more than the existing residents and businesses.
31. There would be construction impacts were the proposal to go ahead. This is a constrained site, with residential and commercial properties nearby. Therefore, in the event that the proposal was considered acceptable, there would be a condition requiring a Construction Management Plan (CMP) to be submitted.

Highways and transportation

32. There are limited opportunities for off-street parking (and this could prevent servicing of the existing commercial units). The PTAL is 4 given proximity to bus routes on Ealing Road and Alperton Station. There is concern that in the absence of on-site parking or a restriction on on-street parking that vehicles could spill onto nearby streets so adding to parking stress. Ealing Road in particular is not an appropriate location for vehicles to park. The solution to this would be to withdraw the rights of future occupiers to on-street parking permits. There are some streets nearby which are not subject to a Controlled Parking Zone (CPZ) at present, and so they could currently be used by future residents even if they are not entitled to a parking permit. It is therefore suggested that a financial contribution of £5,000 towards the cost of extending the CPZ is sought, and compensating existing residents through free or reduced parking permits, given that they are not creating the need for the CPZ extension. This would need to be secured through a legal agreement.
33. Concern is also raised about the general access to the site. It is down a narrow passageway, which is narrow, not well lit or surfaced, and with no real natural surveillance. A small vehicle can fit down it, but a pedestrian cannot pass. It is acknowledged that it would be very difficult for someone with mobility issues or a buggy to negotiate this in its current state. There is no demarcated walkway and vehicles currently use this for deliveries, either parking at the rear or just in front of the gates. Residents would potentially be accessing this at all times of the day and week, whereas the warehouse would have been restricted to business hours (although their business hours could have been different to, for example, 9am – 5pm Monday to Friday). The Design and Access Statement refers to the improved surfacing, but there are no specific plans shown. Without this, a buggy or wheelchair would not move across the surface as smoothly as on much of the public highway. There were concerns that the communal bin store is approximately 30m from the public highway, which would exceed the maximum guidance within the Council's *Waste planning guide*. However, the Council's contractor, Veolia, has confirmed that they are comfortable with the arrangement. The access would have to serve future residents, deliveries for the commercial uses, and in a worst case scenario emergency vehicles. However, this is an existing constraint with no realistic prospect of it being widened. Therefore, if this was to be objected to then it is not clear how the site could be used given that the existing use is unlikely to be resurrected: it is likely

that it would remain in its current state with an existing building that would inevitably deteriorate over time. An alternative commercial uses would have the same problems.

34. The drawings suggest that the level of cycle parking is below the requirements of the London Plan, which seeks 2 spaces for each two bedroom unit, and 1 space for each one bedroom unit, thus making a requirement for 17 spaces. The drawings show 1 space per unit. There appears to be space for additional cycles within the setback area to the front of each of the units, and some communal spaces could be provided within the mews. A condition could require these additional spaces.
35. As noted above a Construction Management Plan would be required to mitigate the impacts on the highways network and on local amenity during construction.
36. Overall, the proposal does some raise issues particularly relating to the quality of the access and distance of the dwellings and refuse store from the highway. However, in a practical sense it is considered that a degree of compromise is required if the site is to be redeveloped at all rather than remaining derelict.

Environmental impact, sustainability and energy

37. As the proposal is not a Major Application, the requirements within planning policy for specific measures to address carbon dioxide are reduced. It is recommended that a condition is attached to ensure that the developments water consumption falls within the guidance within the London Plan. Also, where resurfacing is done it could incorporate basic sustainable urban drainage (SUDs). In addition, a condition could require bird and bat boxes to be incorporated into the development.
38. With such conditions the proposal would enhance the sustainability credentials of the site more than is currently the case.

Contaminated land

39. Given the historic use of the site there is a requirement for the applicant to submit details of investigation and remediation of any potential contamination. This could be secured by condition.

Section 106 / Planning obligations

40. The proposal would require a section 106 agreement in order to mitigate the transport impacts as noted above, but there are no other obligations identified.

Community Infrastructure Levy

41. 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. This would ensure that the impact on most types of infrastructure is acceptable.

Other issues

42. There are no specific issues of landscaping proposed. Although there is the suggestion by the applicant that they can improve the access way and the rear of the site, this has not been categorically confirmed or demonstrated. Notwithstanding this, the main concerns raised about the access are based on the specific widths and distances of the space which no amount of landscaping improvements can completely address.
43. The site is within flood zone 1, where there is a low probability of flooding. There are not therefore considered to be any further requirements for the development in this regard.
44. As the proposal would be for less than 10 units there is no requirement for affordable housing.
45. Concerns have referred to the consultation done by the applicants. There is no obligation on them to do so, and the Council has carried out an extensive consultation for the development.
46. Whether the proposal would result in changes to property prices is not considered material to the determination of the application.
47. The demolition of the existing vacant buildings could result in the rodents moving to nearby sites. However, the completed development is likely to reduce the chances of rodents given that future residents would take their own precautions to reduce the rodent population.

48. The applicant is considered to have designed a scheme which is not reliant on the land of any other parties.
49. Issues of rights of access are considered to be matters for the various landowners with an interest in the site. The potential section 106 obligation would not be dependent on any of these.

Conclusion

50. The existing situation is not ideal in terms of land use or design. It is not considered to be an attractive building and is not likely to be suitable for continued use as B8. A similar commercial use is also not considered likely to be feasible or viable. Therefore, the principle of a residential use is not objected to, but the detail is important. The existing access is a characteristic of the site which has inherent weaknesses, with the only opportunity to improve it being to re-surface it: widening it is not possible.
51. It is a backland site and much of the development would be similar in height to the existing terrace to the east, taller than the residential units to the north but lower than the school to the west. Overall, this is considered acceptable and high quality materials would ensure a high quality design.
52. The layout of the units responds to the constrained nature of the site. Outlook would not be as good as would be achieved on some other sites, but is a necessary response to maintaining an acceptable relationship with the existing residential units nearby and to provide natural surveillance of the access road. Similarly, amenity space is provided but is not substantial, and the site does lend itself to smaller units as a result. The rears of the existing commercial units are also not an ideal backdrop to residential, but defensible space would as far as possible mitigate this.

The nature and state of the sites access and nature of the rear of the commercial units result in constraints that require careful consideration. However, the redevelopment of the site provides significant benefits in terms of the provision of new homes and the improvement of the area to the rear of the commercial units (in terms of its appearance and the level of natural surveillance). It results in the removal of a building for which there is little likelihood of re-use or redevelopment for commercial uses and provision of a new development of good architectural quality. The level of impact on surrounding residential dwellings is not considered to be unduly detrimental. The approval of this planning application is accordingly recommended.

CIL DETAILS

This application is liable to pay **£0.00*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 0 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
Storage and distribution		578	0	£0.00	£0.00	£0.00	£0.00
Dwelling houses		760	0	£200.00	£35.15	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	286	
Total chargeable amount	£0.00	£0.00

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

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

Please Note : CIL liability is calculated at the time at which planning permission first permits

development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/1506

To: Mr Dodd
HTA Design LLP
106 - 110 Kentish Town Road
London
NW1 9PX

I refer to your application dated 12/04/2016 proposing the following:
Demolition of existing warehouse (Use Class B8) and ancillary buildings and erection of part-two, part-three storey residential development providing 9 self-contained units (1 x 1 bed and 8 x 2 bed) with associated cycle parking, bin stores, landscaping and amenity space (car free development) (Revised drawings) and accompanied by plans or documents listed here:

See condition 2
at 290B Ealing Road, Wembley, HA0 4LL

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: 16/06/2017

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 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):

290-ERB_HTA-A_DR_0001 Rev A; 290-ERB_HTA-A_DR_0002 Rev A;
290-ERB_HTA-A_DR_0100 Rev F; 290-ERB_HTA-A_DR_0200 Rev J;
290-ERB_HTA-A_DR_0201 Rev C; 290-ERB_HTA-A_DR_0202 Rev C;
290-ERB_HTA-A_DR_0203 Rev C; 290-ERB_HTA-A_DR_0250 Rev D;
290-ERB_HTA-A_DR_0251 Rev C; 290-ERB_HTA-A_DR_0252 Rev A;
290-ERB_HTA-A_DR_0253 Rev A.

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

- 3 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.

- 4 The refuse areas shown on the drawings hereby approved shall be provided and made available prior to the occupation of the residential units. They shall be maintained as such thereafter.

Reason: To ensure that the residential units are high quality and that the development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 5 Notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) no further alterations or extensions shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- 6 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.

- 7 Prior to the commencement of development (excluding demolition) details of a scheme to prevent undue levels of overlooking between the residential units hereby approved and the parade of properties to the east shall be submitted to and approved in writing and the development shall be completed in accordance with the approved details. This shall include details of the angled windows proposed to serve plots 1, 2, and 3 at Level 1, and obscure glazing to the larger window serving plot 4 at level 1.

Reason: To ensure that the existing residential properties are not overlooked to the detriment of their privacy.

- 8 Prior to commencement of the development (excluding demolition) details of all exterior materials including samples (which shall be made available for viewing on site or in another location as agreed) and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

The works shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is high quality, and in the interest of the privacy of future occupants.

- 9 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development. Such a scheme shall include:-

- (a) all planting and trees including location, species, size, density and number incorporating native species;
- (b) details of the layouts of the publicly accessible spaces;
- (d) details of the provision of artificial bird and bat boxes;
- (e) areas of all hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users;
- (f) the location of, details of materials and finishes of, all street furniture, drainage;
- (g) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height;
- (i) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (j) details of materials, lighting, tactile paving, handrails and wayfinding signs;
- (k) details of all tree planting pits (including surfacing);

The approved details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance and setting for the proposed development and

ensure that it enhances the visual amenity of the area, and that the opportunities to provide ecological habitats are maximised..

- 10 Notwithstanding the drawings hereby approved, details of secure weatherproof parking facilities, including the provision of two cycle spaces for each two-bedroom unit and one cycle parking space for the one-bedroom unit shall be submitted to and approved in writing by the local planning authority prior to first occupation of the dwellings hereby approved and the approved cycle storage facilities shall be installed prior to first occupation of the dwellings and thereafter retained for the life of the development and not used other than for purposes incidental to the occupation of the dwellings hereby approved..

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

- 11 Prior to the commencement of development a scheme 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 occupation of the development (where relevant).

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

- 12 A scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The scheme shall demonstrate that the residential dwelling will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal and external noise levels:

Time	Area	Max noise level
Daytime Noise 07:00 – 23:00	Living rooms and Bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8 hr) 45 dB L _{max}

The development shall be completed in accordance with the approved details.

Reason: To obtain required sound insulation and prevent noise nuisance

- 13 A Construction and Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction works on site (including demolition). This shall outline measures that will be taken to control dust, noise and other environmental impacts of the development. The approved Plan shall be fully implemented thereafter throughout the demolition and construction of the development in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 14 Prior to the commencement of works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works, 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 and proposals for remediation where required. The recommendations of the approved report shall be implemented in full prior to first

occupation of the dwelling hereby approved.

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

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

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

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.
- 2 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.
- 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, and include photographs showing the condition of highway along the site boundaries.

Any person wishing to inspect the above papers should contact Chris Heather, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5353