

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

13 November, 2019
04
19/1761

SITE INFORMATION

RECEIVED	15 May, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	290B Ealing Road, Wembley, HA0 4LL
PROPOSAL	Demolition of the existing warehouse building (Use class B8) and erection of part-one, part-three storey residential development providing nine self-contained dwellings (8 x 2-bed and 1 x 1-bed) with associated cycle storage, bin stores, landscaping and amenity space.
PLAN NO'S	Refer to 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_145277</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 "19/1761" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

1. Payment of legal and professional costs
2. Notification of commencement 28 days prior to material start
3. Financial contribution of £5,000 for the implementation of a CPZ
4. Removal of parking permits for proposed residents

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

B. 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. Three year rule
2. Approved plans
3. Removal C3 to C4 rights
4. Removal pd rights for dwellinghouses
5. Water Consumption
6. Refuse Areas
7. Construction Logistics Plan
8. Construction Management Plan
9. Site investigation and any remediation
10. External materials
11. Screening to terraces
12. Sound insulation
13. Hard and Soft Landscaping
14. Waste Collection Strategy

Informatives

1. CIL liability
2. Party Wall
3. Building near boundary
4. Environmental Health general comments
5. Asbestos
6. Highway works
7. Notify highways
9. Living Wage
10. Fire Safety

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

2. That, if by the "expiry date" of the planning application the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

SITE MAP



Planning Committee Map

Site address: 290B Ealing Road, Wembley, HA0 4LL

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of the existing warehouse building (Use class B8) and erection of part-one, part-three storey residential development providing nine self-contained dwellings (8 x 2-bed and 1 x 1-bed) with associated cycle storage, 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. On the eastern side of Ealing Road are commercial properties and a relatively recent residential development.

There are no designations on the site itself.

SUMMARY OF KEY ISSUES

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

Objections from neighbours: 15 objections have been received from individual properties. These relate mainly to the impact of the buildings on the character of the area, the impact on light, outlook and privacy to neighbouring properties and the nearby school, concerns of impact on nearby service yard and narrow access, and are covered in the relevant sections of the report.

Principle of development: The loss of the existing employment use was accepted in principle within the previous application and appeal due to the site constraints which result in the site not being ideally suited for continued use for employment purposes. The proposal would provide additional homes for which there is an identified need within the borough. The general principle of development is considered to be acceptable.

Design, scale and appearance: The proposed buildings would be taller than the existing buildings but would be subservient to the frontage block and the height is considered to pay an appropriate regard to its context. The proposal is considered to be high quality design, making efficient use of the site which provides some 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.

Residential living standards: The proposed homes are of a good size and are considered to benefit from sufficient outlook. External amenity space is below standards, but the overall quality of accommodation is considered to be good.

Impact on neighbouring properties: The proposal would not result in an undue level of impact to the residential amenities of neighbouring occupiers in terms of daylight, sunlight or overlooking and would be

acceptable.

Transportation and highways considerations :Transport officers have assessed the scheme and consider that it would not result in any undue impact on traffic or parking within the area subject to conditions. No parking is provided, but the scheme is proposed to be parking permit restricted.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
16/1506	Demolition of existing warehouse (Use Class B8) and ancillary buildings and erection of part-one, 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)	Dismissed at Appeal	10/09/2018

The previous application was refused due to the following main concerns:

- Living conditions of future residents in terms of odour and outlook
- Living conditions in terms of noise and disturbance
- Highways impact implications.

At appeal the inspector upheld the reasons for refusal for odour and outlook, however considered that the noise and disturbance, and highways impacts were acceptable.

CONSULTATIONS

Public Consultation

29 neighbouring properties notified of this proposal for a minimum of 21 days on 29th of May 2019.

15 objections have been received from or on behalf individual properties. The objections are summarised below:

Objection	Response
<i>Design</i> <ul style="list-style-type: none">• Overdevelopment, no significant changes from previous application• Overwhelming size and structure of the building	The design of the proposal has been considered, and discussed within paragraphs 7-11.
<i>Quality of Accommodation</i> <ul style="list-style-type: none">• Poor Outlook• Impact of odour to future occupiers• Proposed gardens would be overlooked by amenity space for adjacent flats and this space would be overlooked itself	The Quality of the proposed accommodation has been considered and discussed within paragraphs 12 - 18

<p><i>Neighbouring Amenity</i></p> <ul style="list-style-type: none"> • Overbearing impact on caretaker's house at school • Direct overlooking and loss of privacy for the nearby school and residential properties • Loss of light to neighbouring properties • Height of the building would result in loss of light to neighbouring properties • Concerns over height of new fence and relationship with school. Potential for crime Security risk of gardens 	<p>The impact of the proposal on neighbouring amenity has been discussed in paragraphs 19 - 23</p>
<p><i>Transport and highways</i></p> <ul style="list-style-type: none"> • The rear road used for servicing is very narrow and dangerous. Adding more units will exacerbate this problem. Concerns over highway safety for future occupiers. • It would hinder access for deliveries and parking for nearby properties. • Concerns over limited access, in particular for emergency vehicles 	<p>Highways and parking impacts have been assessed by the local highways authority and are discussed in paragraphs 24 - 37</p>
<p><i>Other matters</i></p> <ul style="list-style-type: none"> • Several flats are being built in Wembley, these are unnecessary • Fire safety concerns 	<p>The principle of new residential development has been discussed in paragraphs 3-6</p> <p>The London Fire Brigade have been consulted on the proposal and have confirmed that the access arrangements are acceptable, and the detailed fire safety strategy will be developed as part of building regulations (see paragraphs 33 to 34)</p>

As part of the previous application significant objections were raised by Alperton Community School. During the course of the application, the applicant has liaised directly with the school and has received the following comments for consideration (Officer's response in **Bold**):

Our expectation is that none of the apartments will be able to overlook the school or the children's centre from any windows or terraces in 290B. From what we understand of the updated plans presented to us during a meeting with Governors and subsequent electronic communication (email trail below), this concern will be addressed by the amended plans. We also understand that the partition wall will be a solid brick construction

of at least 2.25m height.

While the updated plans meet our initial concerns, we feel it is also important that a representative from the school is able to visit the site during construction to ensure the modifications have been effectively implemented. We would also need confirmation that any modifications presented to the school e.g. frosted windows/balcony screens become permanent and that future residents are legally bound to ensure they are unable to amend or modify these aspects of the property following purchase or leasing. “

There is no reasonable planning basis for the developer to be legally bound into retaining the frosted windows and balcony screens. These aspects are not required in planning terms and conditions/s106 obligations can only be imposed where they are needed to make the development necessary in planning terms. As such, no such conditions or other form of obligation, will be imposed in this respect.

Internal Consultation

Environmental Health – Contents of Odour report accepted in principle. Suggested conditions regarding contaminated land and construction method statement.

Recycling and Waste – No objections received.

POLICY CONSIDERATIONS

National Planning Policy Framework (2019)

London Plan (2016)

Key policies include:

3.5 – Quality and Design of Housing Development
6.9 - Cycling
6.10 - Walking

Core Strategy (2010)

CP 2 Population and Housing Growth
CP21 A Balanced Housing Stock

Development Management Policy (2016)

DMP 1: Development Management General Policy
DMP 11: Forming an Access on to a Road
DMP12: Parking
DMP 13: Movement of Goods and Materials
DMP14: Employment sites
DMP 18: Dwelling Size and Residential Outbuildings
DMP 19: Residential Amenity Space

Supplementary Planning Guide

SPD1 - Brent Design Guide (2018)
Technical housing standards: nationally described space standard (2015)
Housing SPG (2016)

DETAILED CONSIDERATIONS

Background

1. The proposal follows a previous submission which was refused by the Council due to the following concerns:
 - Living conditions of future residents in terms of odour and outlook
 - Living conditions in terms of noise and disturbance
 - Highways impact implications.
2. At appeal the inspector upheld the reasons for refusal for odour and outlook, however considered that the noise and disturbance, and highways impacts were acceptable. This scheme has sought to address issues upheld on appeal by the Planning Inspector and are discussed in further detail below.

Principle of Development

3. The general principle of development of the site for residential purposes has already been established by the previous application. As with that application, this proposal would result in the loss of existing (B8) commercial floorspace and is therefore subject to policy DMP14. Due to the site constraints it was accepted in the previous application that the feasibility of the site being used for another B8 use was considered to be very low.
4. 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. However, it is considered that 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 and thus its viability. Therefore, there is not considered to be an in-principle objection to the loss of commercial floorspace.
5. As with the previous application, in the context of the above, a residential use is considered to be acceptable and in accordance with policy CP2.
6. It is noted that an objection has been received indicating that other flats have been built in Wembley and as such these flats are unnecessary. Current planning policy sets a target for the delivery of 1,525 new homes each year within Brent. It is proposed within the draft London Plan that this target will increase to 2,940 homes per year. The panel report for London Plan examination raises concern with the small sites element of the new housing target. However, the housing target is still likely to increase significantly from the current level, even if the overall target may reduce as a result of this, and a target for new housing within small sites is still likely to form a component of the housing target for Brent. It is not considered likely that the reliance on housing provided elsewhere without relying on small sites such as this would result in the targets for housing being met. Furthermore, each application is assessed on its own merits and the proposal is considered to be in accordance with planning policy, having regard to material planning considerations, and therefore acceptable for the reasons set out within this report.

Design

7. 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.
8. The proposed building follows a similar architectural approach to the previously refused scheme which was found to be acceptable in terms of appearance. However, two separate buildings are now proposed, sited more to the east and north sides of the site and the entrance doors relocated to the western elevation along with the access for the proposed units, effectively swapping the design on its axis. The layout has effectively been swapped over to respond to the concerns raised by the Inspector in relation to the living conditions of future residents in terms of odour and outlook, and the buildings are closer to the front of the site (towards Ealing Road) to allow the provision of an access. The homes would benefit from an aspect facing away from the rear of the frontage block at all levels (ground, first and second where relevant), allowing windows to be opened on that side of the building to achieve adequate levels of ventilation and therefore avoiding the necessity the use of windows that face the refuse areas. As such, windows facing the refuse areas and rear of the Ealing Road properties become secondary (when

compared to the previous scheme where many were primary).

9. The larger building (located at the southern end of the site) is three storeys with the top floor set in on the western elevation. The smaller building (located at the northern end of the site) is predominantly three storeys with the top floor set in from the western elevation but the most northerly part is single storey only. 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 on the rear elevation. The top floor has a shallow pitched roof design. The overall scale and massing is similar to the previous scheme.
10. The scale of the development is considered acceptable in its context. Whilst the buildings are higher than the two storey residential properties to the north, the replacement buildings are lower than its immediate context of commercial buildings fronting 272-290 Ealing Road and recently constructed school building at Alperton Community School. It should also be noted that the existing warehouse building is around two storeys high and built up to the existing northern and western boundaries (including the residential garden of 270 Ealing Road). Whilst the proposed buildings are taller in part, they are now set in from the western boundary (with Alperton Community School) by 3.5m, set in from the eastern boundary by up to 4.05m. It should be noted that the height of the proposal remains the same as the previous application for which height was not incorporated as a reason for refusal. The relationship with the northern boundary to the rear garden of No. 270 Ealing Road contains a single storey element at 3.15m high to eaves and 4.3m at its highest point. The parapet wall alongside this element would increase these measurements to 3.3 and 4.45 respectively

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. The elevations facing onto the service yard would feature obscure windows at first floor level and tiling details at ground floor which would help avoid inactive, blank facades along this part of the building. 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.

11. The overall design is considered to be of good quality and the layout, height and massing appropriate for its context. The proposal is considered to accord with Policy DMP1 in this respect.

Quality of Accommodation

Unit mix

12. As with the previous application the proposed mix of units is 8 x 2 bedroom units and 1 x studio unit. As the proposal is for less than ten residential units and does not result in the loss of existing family sized accommodation, there is no policy requirement in provide three bedroom units. The mix is therefore considered appropriate.
13. The Technical Housing Standards do not provide space standards for 2 bedroom units across 3 storeys. However, the floorspace provided would be sufficiently in excess of the minimum sizes needed for a 2 bedroom unit across 2 storeys and as such is considered to be generous and acceptable in that regard. The single storey unit exceeds the minimum space standards for a studio flat.

Outlook, daylight and sunlight

14. Each unit would be provided with defensible space at the front in the form of a front garden. It is acknowledged that the outlook at ground floor would be constrained by the design which has primary windows looking westward onto the access area. However, the rooms in question serve a bedroom and good levels of outlook are provided at upper floor levels to habitable rooms. The main orientation of outlook for the majority of the units is to the west. This is in response to the concerns raised at the previous appeal with proximity to residential entrances and outlook facing onto the service road. All habitable rooms would have primary windows and would receive sufficient daylight and outlook. This in conjunction with the overall size and quality of the units is considered to be acceptable.

15. Screening is proposed at second floor level along the western side of the building. This would be of a 'hit-and-miss' design (elements of solid wall with a number of gaps/voids in it to allow some ventilation and outlook but reduce overlooking) featuring a solid panel wall with differing slats above this to prevent overlooking or loss of privacy to neighbouring properties. The solid section of the screening is shown to have a height of 2.25m. Whilst the hit and miss screening up to this height is considered acceptable, the solid part of the screening should not exceed 1.2m in height, to ensure that a good quality environment is achieved for these homes. The taller hit and miss screening would still visually obscure the line of sight between the balconies and the school fields and would reduce perceived overlooking. On that basis a condition has been attached requiring revised details of this element of the proposal to reduce the solid section of the screening to avoid an undue impact on future occupiers.
16. It is noted that the single storey unit would have a further limited outlook as it would not benefit from the upper floors. However, this unit has been amended to a studio unit and as such would have on combined living area served by an external window. Additionally, it would have a limited level of occupancy and would have a reasonably sized garden and would exceed the minimum space standards as noted above. On balance this would be considered to be acceptable.

External amenity space

17. Five of the eight dwellinghouses (located in the southern building) will be provided with private external amenity space that falls short of 20sqm as set out in DMP19. These are in the form of terraces at second floor level. The terraces are around 8sqm each. However, the shortfall in external amenity space was recognised as part of the previous application, and given that the amount of external amenity space for each unit exceeds London Plan standards and the units themselves are of a good size, it is considered that a good standard of accommodation would be provided in this instance. The three dwellinghouses in the southern block have access to a private rear garden area and a large roof terrace and are provided with over 20sqm of private external amenity space. The studio flat has 18.8sqm of private external amenity space. Whilst this falls marginally under 20sqm, the shortfall is not considered to be significant and the quality of accommodation is considered to be good.

Relationship to rear service road

18. The existing access road between the subject site and the shops on Ealing Road is of a low quality environment and is used for access/servicing of these commercial units. The current proposal has swapped the front and rear elevations on their axis allowing for the main access to the residential units to be located on the western side of the plot, away from this service yard. There are no habitable room windows within the redesigned buildings that face the rear service road. However, to provide some level of surveillance over the service yard, windows to landing areas are proposed. Within the early appeal, the Inspector considered the intensification in use of the access road by pedestrians and potential conflict with vehicles servicing the commercial units from the service road. The Inspector concluded that the access arrangements would be acceptable, and that pedestrians and vehicles could pass one another in a safe manner due to the constrained nature of the access road. The access to the proposed development within the current scheme is from the south western corner of the site, rather than with individual accesses along the rear service road. Overall this is considered to be an improvement over the previous design and creates a safer and more pedestrian-friendly environment, and is considered to have addressed the previous concerns raised by the Inspector.

Impact on existing properties

Privacy and outlook

19. SPD1 requires a minimum distance of 18m between directly facing habitable room windows and 9m from habitable room windows to the boundary with private residential rear gardens. In this case, there are residential properties on the upper floors of 272 to 290 Ealing Road. At ground floor the uses are commercial. The scheme has been designed to not have habitable room windows facing across to the properties on Ealing Road, but nevertheless a distance of over 18m is maintained from the landing

windows with the new buildings to the residential windows at 272 to 290 Ealing Road.

20. The new units do not directly face onto the rear garden of No. 270 Ealing Road. However, there is potential for overlooking from the raised terrace of the dwellinghouse closest to No. 270 Ealing Road, and details of a screen can be conditioned to any forthcoming consent.
21. To ensure that a new building does not appear overbearing from neighbouring occupiers, SPD1 sets out that they should normally sit within 30 and 45 degree lines. The 30 degree line is taken from nearest residential windows of neighbouring occupiers (measured at 2m high above internal floor level) and 45 degree line taken from the nearest private rear garden amenity space (measured at 2m high from garden level). In this case, the new development sits within 30 degree line from the residential units at 272 to 290 Ealing Road together with the caretakers house when taken from the habitable windows of those properties. Whilst the new building does breach 45 degree line when viewed from the rear garden of No. 270 Ealing Road, the existing warehouse building already breaches this line, and overall as the building is reduced to single storey on the boundary, the impact is no worse than existing.

Daylight and Sunlight

22. As part of the previous application the applicant submitted a full daylight/sunlight assessment which concluded that there would be no undue impact on existing neighbouring properties. This application has not been accompanied by a Daylight and Sunlight Report. However, the new building would sit within 25 degree line from the rear windows within No. 272 to 290 Ealing Road and the scheme would therefore accord with BRE guidance in terms of daylight. In relation to the rear garden of No. 270 Ealing Road, as with the previous scheme the proposed building is to reduce in height adjacent to this boundary when compared to the existing building, and the proposal is considered to result in a lower level of impact on that garden than the existing building. Overall, the proposed development is not considered to result in an unduly detrimental impact on the surrounding existing properties.

Relationship to Alperton Community school

23. The proposal will overlook Alperton Community School with a distance of 3.5m being maintained to the boundary. The vehicular access road into the school, substation and caretakers house will be overlooked. There is no specific guidance on appropriate levels of privacy for school sites. The care takers house is ancillary to the school itself (with access from within the school site) and is therefore considered ancillary to the school use rather a completely separate self contained residential unit. A distance of at least 23m will be maintained to the school building. It is therefore considered that the school will not detrimentally impacted upon by the proposal.

Highways and Transportation

Car parking

24. As the site has good access to public transport services, the lower residential allowances set out in Table 6 at Appendix 1 of the adopted DMP 2016 apply, whilst the location of the site means the higher maximum parking standard applies for the employment use.
25. The existing warehouse unit measures at least 580m², so is permitted up to 2 car parking spaces, whilst also requiring deliveries by 10m rigid vehicles. With no off-street parking available within the site, car parking standards are currently complied with. However, servicing standards cannot be met, with the narrow access to the site precluding access by large vehicles. The removal of the warehouse from this site would therefore be welcomed in principle in transport terms.
26. This proposal will increase the maximum parking allowance of the site to 6.75 spaces, which is a significant increase. With no off-street parking proposed, standards would still be complied with. However, Policy DMP12 requires that any overspill parking that is generated can be safely

accommodated on-street. Ealing Road is a busy distributor road, with extensive parking and loading restrictions, reinforced with guard railings to protect traffic flow at the signalised junction with Mount Pleasant. As such, it is not able to safely accommodate overspill parking from this site.

27. To address this, the applicant proposes to designate the development as permit-free. Policy DMP12 encourages this in areas with good public transport access and as a Controlled Parking Zone is in place in the immediate area, this approach is supported. A legal agreement or condition should therefore be applied to any permission, withdrawing the right of future occupiers of these units to on-street parking permits.
28. There are streets within a short walk of the site that are not subject to a CPZ at present (namely Sunleigh Road) and which would therefore be vulnerable to overspill parking from the development. A financial contribution of about £5,000 towards the cost of extending the CPZ into that area is therefore also sought to help mitigate overspill parking problems.

Cycle parking

29. The London Plan requires each new 1-bed unit to be provided with a bicycle parking space and each 2-bed unit to be provided with two spaces. A total of 17 spaces are shown in stand-alone bicycle lockers close to the entrances to each unit, in accordance with standards. However, the internal width of the lockers measures just 700mm and this needs to be increased to 900mm in the case of the double lockers in order to accommodate two bicycles. It is recommended that revised cycle parking details are secured as a condition to any forthcoming consent.

Refuse

30. Three shared bin stores are shown around the edge of the existing service road to accommodate twelve wheeled bins and nine kerbside containers, which provides sufficient storage capacity for the proposed development. The distance of the bin stores from Ealing Road varies between 35m-55m though, which exceeds Brent's maximum refuse carrying distance of 20m for wheeled bins for residential properties and is also significantly further from the highway than proposed on the earlier scheme (16/1506). Due to the narrow access of the site, it would not be possible for refuse vehicles to enter the site.
31. However, the site does lie within a timed collection zone and although this is generally for flats above shops, the applicant has agreed future collection arrangements with Brent's refuse contractor, so that refuse will be brought out to Ealing Road at certain times each day for collection. This solution has been confirmed as acceptable by Brent's waste management team and would be secured via a condition requiring a servicing and delivery plan to be submitted and approved by the LPA.

Servicing and fire access

32. The very restricted width of the site access road makes access by large delivery vehicles to the site very difficult, if not impossible, whilst smaller delivery vans would be unable to turn around within the site, so would need to reverse along the site access road. However, delivery vehicle access was considered by the Planning Inspectorate as part of the previous appeal. Their view was that use could be made of loading bays on Ealing Road for the relatively infrequent occasions when large goods would be brought to the site. The physical constraints of the access were noted, but it was considered that, on balance, the limited number of units and level of activity generated would not be sufficient to have a detrimental impact on highway safety.
33. In terms of fire appliance access, the entrance to the furthest unit from the site entrance would be about 75m. This is well beyond the maximum fire hose distance of 45m, but is within the maximum distance of 75m for a 3-storey building and 90m for a 2-storey building when a sprinkler system is installed as set out in Building Regulations. This matter can therefore be suitably addressed. The applicant has also submitted a Fire Strategy indicating the location for vehicles to attend the site and confirms that it would be possible to access all points within plots 06-09 within 45m and an additional hydrant provided for the

remaining homes with a maximum distance of 26m.

34. The Fire Strategy has been reviewed by the London Fire Brigade. They have confirmed that subject to additional emergency access route being provided via the existing right of way at the north end of the site and the addition to the development of a residential sprinkler system, they are satisfied in principle to the arrangements, although the detailed design would need to be considered through building regulations. With regards to the emergency access, the applicant has advised that the site also has the legal right to a secondary northern access, which is provided as a fire exit for residents and fire fighters. This access is an existing access between the commercial premises at 272-274 Ealing Road, and the residential property at 270 Ealing Road. The design of the scheme will include a fire exit within the rear boundary to plot 8 for use in the case of fire which can be secured by planning condition. The access will be able to be used by firefighters in the case of emergency to gain access to the northern part of the site if necessary.
35. Concerns were also raised on the previous application regarding safe pedestrian access along the narrow access road, given the need to share this with delivery vehicles to the shopping parade. Again though, this matter was considered by the Planning Inspector and whilst the physical constraints of the access drive were noted, it was considered that pedestrians and vehicles could wait at either end of the relatively short length of narrow driveway within clear sight of one another, to allow passing in safety.
36. Nevertheless, improvements should be made to the access road to support the proposed shared-surface mews character of the site. These improvements should include improved surfacing (block paving is strongly recommended) and lighting, in accordance with a design to be approved by Brent. As the access road lies wholly within the application site boundary, this can be secured by condition.

Transport Assessment

37. Finally, the application is supported by a Transport Assessment, which has considered the likely number of trips made to and from this development based upon comparisons with four other small residential developments in London. This concludes that about 7-8 trips would be made in the weekday morning and evening peak hours and given the car-free nature of the development, these could be expected to be almost exclusively by non-car modes of transport. The level of activity generated is not therefore considered to be significant enough to have a noticeable impact on any transport networks in the wider area.

Environmental impact, sustainability and energy

38. As the proposal is not a Major Application, there is no specific planning policy requirements to require the development to be carbon zero. Nevertheless, it is recommended that a condition is secured to reduce water consumption in line with policy objectives. Likewise, there is no specific requirements to incorporate a SuDS system and the site does not lie within a flood risk zone or is liable to surface water flooding. Nevertheless, where resurfacing is done it could incorporate basic sustainable urban drainage (SUDs). In addition, as part of the landscape scheme a condition could be secured for native planting and bird boxes.

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 is to be secured by condition.

Air Quality

40. The site is located within an Air Quality Management Area. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. It is therefore recommended that a construction method statement is conditioned to minimise the impact on local air quality and protect the amenity of neighbours during construction.

Equalities

41. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Conclusion

42. The principle of the loss of the existing floorspace is accepted and the provision of new residential development in this area is considered to be acceptable. The new proposal would provide a good standard of accommodation for future occupiers despite a shortfall in external amenity space below levels set out in policy. The impacts on neighbouring amenity and the character of the area is considered to be acceptable. The proposal has addressed the issues raised by the Planning Inspectorate, allowing an aspect to the homes at all levels which faces away from the rear refuse areas associated with the commercial units fronting Ealing Road. The quality of design and architecture has been maintained and is considered to be good. The applicants have demonstrated that the proposal is not likely to result in material impact in relation to highways and transportation matters including the treatment of refuse storage and collection. The proposal is within a “back-land” location and the fire brigade has confirmed that the fire strategy is sound.

43. Overall, therefore the proposal is considered to materially accord with the development plan when balanced against material planning considerations including the benefits associated with the provision of new homes within the borough. The proposal is therefore considered to be acceptable and is recommended for approval.

CIL DETAILS

This application is liable to pay **£276,731.58** * 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): 777.46 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
(Brent) Dwelling houses	777.46		777.46	£200.00	£0.00	£229,073.04	£0.00
(Mayoral) Dwelling houses	777.46		777.46	£0.00	£60.00	£0.00	£47,658.54

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	330	
TOTAL CHARGEABLE AMOUNT	£229,073.04	£47,658.54

*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: 19/1761

To: Mr Owen
HTA
78 Chamber Street
London
E1 8BL

I refer to your application dated **15/05/2019** proposing the following:

Demolition of the existing warehouse building (Use class B8) and erection of part-one, part-three storey residential development providing nine self-contained dwellings (8 x 2-bed and 1 x 1-bed) with associated cycle storage, bin stores, landscaping and amenity space.

and accompanied by plans or documents listed here:
Refer to 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: 01/11/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-
 - National Planning Policy Framework 2018
 - The London Plan 2016
 - Brent's Core Strategy 2010
 - Brent's Development Management Policies 2016
 - Brent's Supplementary planning Document 1: Design Guide for New Development 2018

- 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):

0001 Rev B, 0002 Rev B, 0100 Rev B, 0202 Rev B, 0200 Rev C, 0201 Rev C, 0250 Rev C, 0251 Rev A, 0252 Rev B, 0253 Rev B, 0254

Supporting Documents:

Fire Access Note, Fire Escape Plan, Odour Report, Transport Statement (Dated May 2019), Planning Statement, Geo Environmental Desk Study Report (Dated April 2016), Acoustic Report (Dated 30 April 2019), Air Quality Assessment (Dated May 2019)

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

- 3 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 4 Notwithstanding the provisions of Classes A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015, 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 dwelling houses subject of this application, unless a formal planning application is first submitted and approved by the Local Planning Authority.

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

- 5 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

- 6 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 of neighbouring occupiers of their properties

- 7 Prior to the commencement of the development (including the demolition of the existing structure) a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works. The approved CMS shall thereafter be carried out in full accordance with the approved details.

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

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 8 The development hereby approved shall not commence until a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority, outlining how construction vehicle activity will be managed throughout the construction process.

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

Reason: In order to minimise any adverse impacts of the construction process upon the highway network in the area.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

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

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

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

10 Prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), 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:

- (a) Building envelope materials e.g. bricks, render, cladding;
- (b) Windows, doors and glazing systems including colour samples; and
- (c) Balconies and screens

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

Reason: To ensure that the appearance of the development is high quality.

11 Prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), further details of screening to the second floor terraces shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) the solid panels of the screening to be no higher than 1.2m above floor level
- (b) the side elevation of the screening facing No. 270 Ealing Road to be 1.7m high

The screens shall thereafter be installed in accordance with these approved plans.

Reason: To ensure adequate levels of amenity for future occupiers of these units and in the interests of the amenities of adjoining occupiers.

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 (excluding any demolition, site clearance and the laying of foundations). The scheme shall demonstrate that the residential dwellings are 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 Lamax

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

Reason: To obtain required sound insulation and prevent noise nuisance

12

13 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority 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 provision of artificial bird and bat boxes;
- (c) 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;
- (d) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height;
- (e) a detailed (minimum 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (f) details of bicycle stores at a minimum of 0.9m wide

The hard and soft landscape works shall be carried out in full accordance with the as approved details prior to the first occupation of the residential units hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority. All footways and other hard landscaping shall be maintained as approved thereafter.

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

- 14 Prior to first occupation of the residential units hereby approved, a waste management plan setting out arrangements to notify residents of the bag collection arrangements on timeband scales shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall thereafter be carried out in accordance with the approved waste management plan.

Reason: To ensure that there is adequate arrangements in place for the collection of residential waste.

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 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 During demolition and construction on site:
 - The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 - 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time

on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;

- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
- A barrier shall be constructed around the site, to be erected prior to demolition;
- A suitable and sufficient means of suppressing dust must be provided and maintained.
- A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.

- 5 The applicant is reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 6 The applicant is advised by the applicant to contact the Head of Highways & Infrastructure to arrange for the crossover, on street parking bay and kerb radii works to be undertaken. Such works are undertaken by the Council at the applicant's expense.
- 7 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.
- 8 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 9 The Council recommends that the maximum standards for fire safety are achieved within the development.

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