

**Committee Report  
Planning Committee on 13 October, 2010**

**Item No. 21  
Case No. 10/1631**

---

**RECEIVED:** 24 June, 2010

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Alperton House, Bridgewater Road, Wembley, HA0 1EH

**PROPOSAL:** Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres)

**APPLICANT:** Proudreed Real Estate Ltd

**CONTACT:** Turley Associates

**PLAN NO'S:**  
(see condition 2 for details)

---

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

**SECTION 106 DETAILS**

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Submit a Travel Plan to the Council for approval and to implement this plan, the purpose of the plan being to manage the transport needs of staff/ visitors to the Development so as to minimise car usage and promote alternative modes of transport.

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

**EXISTING**

Alperton House is a six-storey commercial building fronting the Bridgewater Road. Apart from the third floor, which already has permission for educational (D1) use, and the ground floor, which is occupied by a tile shop (A1), the authorised use of the rest of the building is for office (B1) use, although much of this space is now vacant. The site is identified as being a locally significant industrial site in the Council's adopted Core Strategy (previously known as a Borough Employment Area and Business Zone Area within the 2004 Unitary Development Plan). The site is also has a draft Site-Specific Allocation and lies within the wider Alperton Growth Area. The site is not within a Conservation Area, nor is the building listed.

## **PROPOSAL**

This application seeks permission to extend the educational use (Use Class D1) currently permitted on the third floor to the rest of the upper floors of this building while also allowing the flexibility to continue B1 office use if there is demand. Apart from the ground floor, which would remain in retail use, the building would have a mixed D1 (restricted to education)/B1 office use.

## **HISTORY**

10/1220 - withdrawn

Partial retrospective application for change of use of third floor to educational college (Use Class D1) and proposed change of use of part of the first-floor offices (Use Class B1) to educational college (Use Class D1)

07/1530 - 03/08/2007 - granted

Continued mixed use as office (Use Class B1) and non-residential institution (Use Class D1)

## **POLICY CONSIDERATIONS**

### ***Brent's Unitary Development Plan 2004***

- *TRN3 Environmental Impact of Traffic*
- *TRN11 The London cycle network*
- *TRN22 Parking Standards – Non-Residential Developments*
- *TRN34 Servicing*
- *PS12 Parking Standards (Use Class D1)*
- *PS16 Cycle parking standards*
- *CF1 Location of Large Scale Community Facilities*
- *EMP10 The Environmental Impact of Employment Development*
- *EMP15 Location of B1 Business Development*
- *EMP17 Reuse of Redundant Offices*

### ***Brent's Core Strategy 2010***

*CP8 – Alperton Growth Area*

*CP20- Strategic Industrial Locations and Locally Significant Industrial Sites*

*Draft Site Specific Appraisals Document*

## **SUSTAINABILITY ASSESSMENT**

n/a

## **CONSULTATION**

Consultation period: 2 July 2010 - 69 properties consulted

Site notice erected: 02/08/2010

### **Public**

69 letters sent.

15 letters of support received raising the following issues:

- a higher educational institute in this area is extremely beneficial
- new facilities will help LSST provide better services
- it will benefit the local community
- it will attract people from outside the borough
- it will employ a large number of people
- students bring resources and generate revenue
- without students, Alperton House will become desolate and empty
- there is limited supply of D1 premises in Brent, but there is lots of empty office space for users who are dissatisfied

Letter of objection raising the following issues:

- Poor site notice.
- Concern over increased numbers of people using the building and implications for health and safety and fire evacuation, leading to trauma.
- The situation may be of interest to the border agency.
- Students regularly block corridors and lifts, sometimes even praying in corridors.
- The students' English is often poor.
- Students using the building generate problems with shared facilities such as toilets, raising ablutions use issues, and kitchen facilities being used inappropriately, in addition to praying in corridors.
- Students expect supportive infrastructure, such as a campus, would be provided.

GLA – No strategic issues are raised by the application.

## **REMARKS**

### **Introduction**

The application proposes the use of floors 1 to 5 as B1 office or D1 non-residential institution. The site is identified as a Locally Significant Employment Site where uses outside “B” classes are not normally permitted. However the site is within Alperton Growth Area, and is the area is likely to be subject to large-scale regeneration, particularly as the site has an identified Site Specific Allocation. The building also has high vacancy levels and due to all of these circumstances, the proposal may be considered as an exception to normal policy requirements.

This application is one of a number received by Brent recently in response to the Borders Agency becoming stricter on existing colleges, so that the establishments may only issue educational visas with the correct paperwork in place. This includes having D1 planning permission for the college use to operate from their registered premises.

### **Principle of use:**

A college already operates from the third floor of the building. The site is within a Locally Significant Industrial Site, (previously known as a Borough Employment Area.) The proposal seeks the use of parts of the building as either Use Class B1 (business) or Use Class D1 (non-residential institution - education and training centres.)

The Core Strategy 2010 states that the Local Planning Authority is required to safeguard Locally Significant Industrial Sites for the protection of land for industrial employment, typically falling within B use classes, or those that are closely linked including offices and light industry. The policy document clarifies that the occupancy of Locally Significant Industrial Sites can be more varied than Strategic Industrial Land, and may include quasi office or trade uses. These uses are not defined within the policy document.

Core Strategy Policy CP20 does allow for skills training, and employment for local people within areas designated for employment use classes. Nevertheless officers do not consider that this has sufficient scope to extend to an education use. Any proposed change of use should not undermine the employment land hierarchy and in accordance with the London Plan a Locally Significant Industrial Site is protected for concentrations of employment generating uses. The site is currently in use as B1. The proposed flexible use of the building as mixed B1 or D1 use does not therefore comply with the overarching policy framework..

The proposal is considered as a departure from the development plan. Circular 07/99 defines a departure as an application for planning permission for development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated.

The latest employment survey data suggests that a large supply of vacant industrial and office space, and regional forecasts point to an over-supply of this type of space. Alperton House does have high vacancy levels. The applicants have provided marketing evidence from two local firms, setting out that office demand is limited and instead there is growing demand for college use.

Outside of a protected employment area such as the Locally Significant Industrial Site, Policy EMP17 allows the re-use or redevelopment of redundant purpose built offices for appropriate alternative uses which include educational use where there is good public transport accessibility. Policy CF1 primarily directs non-residential institutions towards town centres and outside of these, accessible sites. The site has PTAL4 and is therefore considered accessible. Nevertheless this in itself would not be sufficient justification for allowing a D1 use as an exception to usual employment generating uses within a protected site. The scale of the proposed change of use at over 8000m<sup>2</sup> is considered significant and could reasonably be expected to impact on the wider strategic aims of the development plan if permanently allowed within a protected employment area. The site is referable to the Mayor under the Town and Country Planning (Mayor of London) Order 2008. The Mayor responds that there is no strategic issues arising from the consent provided the forthcoming SSA document is considered and only a temporary consent is issued.

Circular 07/99 states that where there is both an adopted plan and an emerging plan, the decision on whether an application is a departure must be considered against the adopted plan. In this context, this is the Core Strategy and Unitary Development Plan. The Core Strategy does identify the site within Alperton Growth Area and there is therefore likely to be large-scale redevelopment of the area in the future.

The draft submission version of the Site-Specific Allocation document identifies site A1 relating to Alperton House and this indicates that the Council would consider a mixed-use redevelopment of this site, including residential, food and drink and workspace, in the future. This policy is not yet adopted and may only be given limited weight but this does indicate that the loss of some employment land within a Locally Significant Industrial Site on site would be acceptable in the future.

Under this context, officers consider that a temporary 3-year planning permission is appropriate. This will allow the use of an employment site for education, taking into account the high vacancy levels within the building currently but also allowing review of the site as the proposals within the draft Alperton Growth Area Supplementary Planning Document and Site-Specific Allocations document are adopted. This will also enable the impacts of the use to be assessed against the functioning of the "B" Use Classes within the building, ensuring that the favoured employment-generating uses are not jeopardised. It is considered that a three-year temporary planning permission under these circumstances would not prejudice the implementation of the development plan's policies and proposals. It should be noted that planning permission 07/1530 granted permission for the third floor to operate as either use Classes B1 or D1.

It would not be appropriate to use the site for all different types of D1 use class, and therefore officers recommend a condition limiting the use of the building to only B1 or within Use Class D1, non-residential institutions - education and training centres.

### **Transport**

The site has good access to public transport and attracts a PTAL of 4. There is a significant number of parking spaces currently on site, providing an over-provision of spaces on site and exceeding the maximum standard for both the B1 and D1 uses. In order to prevent the over-use of this provision, the Highway Engineers have advised that a Travel Plan should be implemented. This will be sought through a s106 legal agreement.

There is also scope to include cycle parking within the parking area. Your officers recommend that this be addressed through a condition, complying with policy TRN11. The applicants have also been asked to demonstrate servicing of a full-sized vehicle in compliance with policy TRN34.

They have requested that servicing and cycle provision is considered by submission conditions.

### **Response to objections**

The objections raised are largely building-management matters. The building management have monitored occupancy levels in the building to ensure that each floor remains within safe capacity. Regular fire-drills take place and risk assessments are regularly updated. Loitering within public areas is monitored by the colleges, CCTV and security patrols and actively discouraged, which is reinforced by signage. The colleges discourage use of the lifts on lower floors. Toilets are provided on every floor, with disabled facilities and showers on some floors. Sanitary facilities are regularly cleaned throughout the week.

**Summary:** Your officers recommend that planning permission be granted subject to conditions and s106.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Brent's Core Strategy 2010  
Draft Site-Specific Appraisals Document

### **CONDITIONS/REASONS:**

(1) This permission shall be for a limited period of 3 years only, expiring on 13/10/2013, when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) any D1 non-residential educational and training-centre use hereby approved shall be discontinued and the relevant floors of the building shall only be used for B1 purposes.

Reason: To allow review of the site as the proposals within the draft Alperton Growth Area Supplementary Planning Document and Site-Specific Allocations document are adopted, and enable the impacts of the use to be assessed against the functioning of the "B" Use Classes within the building, ensuring that the favoured employment-generating uses are not jeopardised.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

L1070/02(A)01/GA:01N1 – first floor  
AlpertonHse-03 – second floor  
AlpertonHse-04(3) – third floor  
AlpertonHse-05 – fourth floor  
Proposed layout plan – fifth floor  
Location plan  
Michael Rogers letter dated 10/06/2010  
Thomas Clive & Co letter dated 10/06/2010  
Turley Associates letter dated 21/06/2010

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

(3) The elements of the building detailed as "D1 Use" or "B1 Use" within the drawings hereby approved shall be used only for purposes within Use Classes B1, as defined in the Town and Country Planning (Use Class) Order 2005, as amended, or as non-residential education and training centres and shall not be used for any other purposes within Use Class D1, as defined in the Town and Country Planning (Use

Class) Order 2005, as amended, nor for any purposes without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority, in order to ensure that the use of the premises remains appropriate for this Locally Significant Industrial Site.

- (4) Within 3 months of the date of this decision, revised drawings detailing the siting of a cycle-storage area capable of providing parking at a rate of 1 space per 8 students, together with details of the total number of staff and students associated with the educational use, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in full within 6 months of the date of this decision and thereafter maintained.

Reason: To ensure the adequate provision of cycle-parking to promote the use of non-car modes of access to the site.

- (5) Within 3 months of the date of this decision, revised drawings detailing the siting of a refuse/recycling area shall be submitted to and approved by the Local Planning Authority. The approved works shall be completed in full within 6 months of this decision and thereafter maintained.

Reason: To ensure the adequate provision of waste and recycling storage and prevent harm to local amenity

- (6) Within 3 months of the date of this decision, details of a 16.5m by 3.5m servicing area shall be submitted to and approved by the Local Planning Authority and thereafter shall be marked out and provided in accordance with the approved details within 6 months of the decision and thereafter maintained.

Reason: To ensure the adequate servicing on site and prevent harm to the local highway network.

- (7) No amplified-sound systems shall be used, unless details of any proposed system and associated sound-insulation measures are first submitted to and agreed in writing by the Local Planning Authority prior to installation, and thereafter such a system shall be installed and maintained in accordance with the approved details.

Reason: To prevent noise nuisance to adjacent occupiers.

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
Brent's Core Strategy 2010  
Draft Site Specific Appraisals Document

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

