

## Committee Report

Planning Committee on 16 December, 2009 Case No.

09/3376

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**RECEIVED:** 22 October, 2009

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 979-981, Harrow Road, Wembley, HA0

**PROPOSAL:** Demolition of existing petrol station and erection of part 4-storey and part 2-storey building comprising 10 flats (6 x three-bedroom, 4 x two-bedroom) with 16 cycle spaces, 7 parking spaces, bin stores, associated landscaping and alterations to access from Harrow Road, and formation of new vehicle access from Thomas A Beckett Close (as amended by revised plans dated 03/12/09).

**APPLICANT:** Turnhold Properties Ltd

**CONTACT:** Stephen Davy Peter Smith Architects Ltd

**PLAN NO'S:** 0915(PL)01 (1:1250)  
0915(PL)03, revF (1:200)  
0915(PL)04, revF (1:100)  
0915(PL)05, revC (1:100)  
0915(PL)06, revC (1:100)  
0915(PL)07, revC (1:100)  
0915(PL)08, revB (1:100)  
0915(PL)09, revC (1:100/1:200)  
0915(PL)10, revF (1:100/1:200)  
0915(PL)11, revF (1:100/1:200)  
0915(PL)12, revC (1:100/1:200)  
0915(PL)13, revC (1:100)  
0915(PL)14, revC (1:100)  
0915(PL)15, revC (nts)  
0915(PL)16, revD (1:200)  
0915(PL)17, revC (nts)  
0915(PL)18 (1:200)  
0915(PL)20 (nts)  
0915(PL)21, revA (1:60/1:10)  
10423-01 (1:200)

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### RECOMMENDATION

Approve

### SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 40% Affordable Housing - Tenure split to be agreed with the council's Affordable Housing officer.

- (c) A contribution of **£45,000, if MS is made within 6 months of any permission, £67,200 if made after**, due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability -Prior to Material Start, submit and then comply with a revised Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.

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.

(b) If the legal agreement has not been entered into by the application's statutory expiry date of the 21st January 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

## **EXISTING**

A roughly rectangular site approximately 35 metres wide and between 23 and 30 metres deep, lying on the south side of Harrow Road to the east of the junction with Thomas A 'Beckett Close. The surrounding land uses are residential with a mix of 3 storey flatted developments and two storey houses.

The site is presently used for car sales, having previously been used as a Texaco petrol filling station. On site is a central canopy over the former pumps set 6-9 metres from the back edge of the pavement, with a 6 x 11 metre single flat roofed building behind located abutting the rear boundary. The site is substantially concreted. A 1.6 metre high brick wall demarcates the southern part of the site from a 3 storey block of flats to the rear on Thomas A 'Beckett Close.

The site has two 6 metre wide vehicular accesses to Harrow Road at either end of the frontage.

## **PROPOSAL**

This application is submitted following refusal of application 09/1719 at Planning Committee on 26th August 2009. This scheme was recommended for approval by Officer's but Committee overturned the recommendation refusing the application because of concerns firstly with the design and massing, in particular its excessive height and bulk in relation to Thomas A'Beckett Close. The second reason being the location of two balconies on the north western elevation of the building, facing TABC and a loss of privacy that would result. The other reasons for refusal (3, 4 & 5) are due to the failure to secure an appropriate legal agreement and can easily be addressed.

### **Summary of key changes to the proposal;**

1. *The building height has been reduced. The proposed building is part 2, 3 & 4-storeys high and is lower than the previous refusal. The building height is in line with the existing consent for 13 flats (07/3815).*

2. *The massing has been reduced. The elevation facing TABC has been reduced to 3-storey's, with a terrace at 3rd floor level maintained. The fourth storey is set in from the boundary which is in line with the existing consent (07/3815).*
3. *Balconies facing towards TABC have been removed due to privacy concerns. With 'unit 7' the balcony has been flipped and faces south west as opposed to north west. Second floor balconies facing TABC previously proposed have also been removed. The building has been reduced to 3-storeys here facing TABC with a roof terrace provided for the top floor flats as per the consented scheme (07/3815), this is to be treated with privacy screens and planting. No balconies are now proposed facing flats on the opposite side of TABC.*
4. *The number of parking spaces proposed increases from 6 to 7 space 7 will be served by a new vehicle crossover off TABC and is for the sole use of unit 2.*

**Current application 09/3376;**

It is proposed to demolish the buildings and structures on site and erect a building that will be 31.2 metres wide ranging in depth from 15.4m to the western end of the site at the corner with Thomas A' Beckett Close (TABC) and 8.2m deep at the eastern most end. The replacement building will be part, 2, 3 and 4-storey's in height. The 2-storey element is at the eastern end of the site, stepping up to 4-storeys within the centre of the site, before the building drops down in height to 3-storeys at the corner with TABC. Amenity space is to be provided for the units through a combination of private gardens to ground floor flats, private balconies and a communal roof terrace.

- *The ground floor is to have 3 x three bedroom flats.*
- *The first floor will have 3 x three bedroom flats.*
- *The second floor will have 2 x two bedroom flats.*
- *The third floor will have 2 x two bedroom flats.*

The main entrance to the flats is centrally located. An internal bike store is proposed with 10 cycle stands, (with a further 6 external spaces on the frontage), this is provided adjacent to the refuse and recycling store area. 7 parking spaces (including 2 disabled bays) are provided overall with spaces 1-6 being accessed from the existing easternmost vehicle access point, and space 7 to be accessed via a new vehicle access from TABC.

The siting of the proposed block respects the established building line along this side of Harrows Road, and maintains space to the rear for amenity purposes. Amenity space to the ground floor flats is provided in the form of private gardens, each of these will exceed the minimum 50m<sup>2</sup>. Flats on the upper floors are each provided with either a private balcony or roof terrace, with the exception of units 4 & 5 on the first floor, however there is a generous communal roof terrace (88m<sup>2</sup>) at second floor which will provide useable outside space for these flats.

The proposed development also makes provision for new landscaping within the frontage and to the front verge immediately outside of the application site along Harrow Road, and makes provision for the creation of a 1.5m wide footpath along Thomas A Beckett Close. As well a new vehicle crossover is proposed off TABC (to serve parking space 7).

**HISTORY**

**(09/1419)** - Demolition of existing petrol station and erection of part 2- and 4-storey residential block comprising 10 flats (6 three-bedroom, 4 two-bedroom), 14 cycle spaces, 6 parking spaces, bin stores, associated landscaping and alteration of access from Harrow Road. ***Following an Officer recommendation to approve Members overturned the recommendation and refused the application for the following reasons;***

1. The proposed development by reason of its design and massing, in particular its excessive size and bulk would have an overbearing relationship to Thomas A'Beckett Close.
2. The proposed development by reason of the location of two balconies on the north western elevation of the building and their proximity to the existing flats located on the opposite side of Thomas A'Beckett Close would result in an unacceptable loss of privacy.
3. Failure to provide sufficient affordable housing.

4. Failure to achieve and employ sustainable design principles.
5. The absence of a legal agreement.

There is an existing consent (**07/3815**) granted at Planning Committee in March 2008, which is for 13 flats. Your Officer's consider that the consented building which is part 2, 3 and 4-storey's is very similar in terms of footprint and massing to the current proposal, however Members should be aware of the following key differences;

- The consented scheme is for 13 private flats comprising of 9 x 1-bed and 4 x 2-bed, whereas the current proposal is for 10 units comprising of 6 x 3-bed and 4 x 2-bed. The 10 units will be for Notting Hill Housing Association and will be for affordable rent.
- The building envelope deviates slightly from the consented scheme, the main implications for this are a reduced separation of 8.8m to the 3-storey block to the rear. The consented scheme achieved 10m separation.
- The maximum height at 4-storey's is 11.2m to parapet, whereas the consented scheme has a maximum height of 11.8m
- More generous private gardens are proposed to each ground floor unit, recessed balconies are proposed to some of the upper floor units and private terraces to the top floor. Better quality more generous amenity provision is now proposed.
- The number of off-street parking spaces has been reduced from 9 to 7, with a new crossover proposed off TABC.
- The proposal will achieve Code for Sustainable Homes Level 3 and 20% on-site renewables.

Prior to the granting of planning permission for 07/3815 as described above the following applications were refused permission;

**(07/2771)** - Demolition of existing petrol station and erection of three-storey residential block comprising 12 self-contained flats, 14 cycle spaces, 9 parking spaces, bin stores and alteration of access from Harrow Road (as accompanied by Travel Plan). **Refused at Planning Committee on 28<sup>th</sup> November 2007 for the following reasons;**

- Unsatisfactory design and appearance which fails to make a significant contribution to the character of the area.
- The proposed development by virtue of its height and massing to the eastern end of the site and relationship to the rear would impact upon the outlook and amenity for occupiers to the rear.
- The siting of habitable rooms at ground floor (to single aspect units) would be afforded a poor rearward outlook.
- Failure to secure s106 contributions.
- Failure to comply with the principles of sustainable development.

**(06/3304)** - Demolition of existing petrol station and erection of two-, three- and four-storey residential block consisting of 14 self-contained flats, comprising 7 x one-bedroom flats and 7 x two-bedroom flats and 9 car-parking spaces **Refused at Planning Committee on 15/02/07 and dismissed on appeal (ref: APP/T5150/A/07/2041217)**

**Reasons for refusal:**

- Failure to provide the required level of amenity space.
- Unsatisfactory design and appearance which fails to make a significant contribution to the character of the area.
- The proposed development by virtue of its height and massing to the eastern end of the site and relationship to the rear would impact upon the outlook and amenity for occupiers to the rear.
- The siting of habitable rooms at ground floor (to single aspect units) would be afforded a poor rearward outlook.

- Failure to secure s106 contributions.
- Failure to comply with the principles of sustainable development.

### **Summary of Inspector's decision APP/T5150/A/07/2041217:**

Despite the Council's concerns related to scale height, massing and relationship to the rear block, as set out in the above reasons for refusal the Appeal was not dismissed on these grounds. In terms of its impact within the streetscene the Inspector writes "***I consider the basic layout and massing of the building is satisfactory.....and the height, proportions and design of the frontage to Thomas A'Beckett Close would relate reasonably well to the existing dwellings there***". To add some context to this quote this is said in relation to a proposed building, which is part 4-storeys high (11m) facing TABC, it must be said that the current proposal for a part 3-storey building facing TABC.

Despite the Council's concerns at this time about the relationship to the block at the rear the proximity of the proposed building to the flatted development at the rear was considered satisfactory to the living conditions of future occupiers in terms of outlook despite this separation being only 4.7m. Concerning the relationship to the flats at the rear, neighbouring impacts and the living conditions of these occupiers the Inspector concluded that although the rear elevation would be within 5m of the boundary the applicant's had demonstrated through a daylight and sunlight report that sunlight and daylight to the flats would not be materially affected. The main part of the building which would be visible from the rear windows of existing flats would only be 2-storeys high, and whilst some overlooking would be possible it would only be obliquely. In conclusion the Inspector found that additional enclosure which would result from the development would not harm the living conditions of the occupiers of the existing flats.

The Inspector dismissed the Appeal partly on design grounds considering the "***design of the Harrow Road frontage to be unsatisfactory***" and the front entrance to be low key in character and poorly situated. The scheme was also dismissed owing to its inadequate amenity space provision which the Inspector found to be less than adequate.

**(06/1486)** - Redevelopment of site with the erection of a three-storey building comprising a 336m<sup>2</sup> commercial (Use Class A1/A2) unit on the ground floor and 7 two-bedroom, self-contained flats on the upper floors. ***Refused under delegated powers on 21/02/07 and dismissed on appeal (ref: APP/T5150/A/07/2041302)***

### **POLICY CONSIDERATIONS**

#### **NATIONAL**

***-Planning Policy Statement 1 – Creating Sustainable Communities (2005)***

***-Planning Policy Statement 3 – Housing (2006)***

***-Planning Policy Guidance Note 13 – Transport (March 2001)***

#### **REGIONAL**

##### ***The London Plan***

The London Plan, which was adopted in February 2004 and later amended in 2008, sets out an integrated social, economic and environmental framework for the future development of London. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: Making the most sustainable and efficient use of space in London; encouraging intensification and growth in areas of need and opportunity;

Objective 2: Making London a better City for people to live in;

Objective 3: Making London a more prosperous city with strong and diverse economic growth;

Objective 4: Promoting social inclusion and tackling deprivation and discrimination;

Objective 5: Improving London's transport;

Objective 6: Making London a more attractive, well designed and green city.

## LOCAL

### Adopted Unitary Development Plan 2004

STR11 *The Quality & Character of the Borough's built and natural environment.*

## BUILT ENVIRONMENT

BE2 *Townscape: Local Context and Character*

BE3 *Urban Structure*

BE5 *Urban Clarity and Safety*

BE6 *Public Realm: Landscape Design*

BE7 *Public Realm: Streetscape*

BE9 *Architectural Quality*

BE12 *Sustainable Design Principles*

## HOUSING

H11 *Housing on Brownfield Sites*

H12 *Residential Quality – Layout Considerations*

H13 *Residential Density*

## TRANSPORT

TRN3 *Environmental Impact of Traffic*

TRN10 *Walkable Environments*

TRN11 *Cycle Parking*

TRN12 *Road Safety & Traffic Management*

TRN14 *Highway Design*

TRN16 *The London Road Network*

TRN17 *Restriction on New Roads*

TRN20 *London Distributor Roads*

TRN23 *Parking Standards – Residential Developments*

TRN34 *Servicing in New Development*

TRN35 *Transport Access for Disabled People and others with Mobility Difficulties*

PS14 *Parking Standards – Residential Development*

PS15 *Parking for Disabled People*

PS16 *Cycle Parking*

## Brent Supplementary Planning Guidance

### ***-SPG 17 “Design Guide for New Development” Adopted October 2001***

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

### ***-SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003***

Provides design and planning guidance on complying with Policy BE12 of the Adopted UDP, which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally-friendly landscape design, sustainable demolition and construction practices, and reduction of pollution in the operation of developments.

### ***-Housing – Supplementary Planning Guidance (Draft) (November 2005)***

### ***-SPD 's106 Planning Obligations'***

## SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, in order to maximise the level of sustainability that can be incorporated into the proposal. To this end the application is supported by

Eco Consulting Energy Report, Eco Consulting Code for Sustainable Homes Strategic Report and a TP6 Sustainable Development Checklist. The applicant's Sustainable Development Checklist achieves a score of 52%.

The applicant's checklist findings have been assessed by your sustainability officers who have scored the proposal lower at 43.5%, which is considered *'fairly positive'* in sustainability terms.

As in other instances where the sustainability assessment produces a score that falls below 50%, officers are recommending approval subject to a section 106 legal agreement Head of Term requiring the submission and approval in writing of a revised TP6 "Sustainability Checklist" which achieves the required "Very Positive" rating (i.e. a score of 50% or more).

Officer's have identified the following areas where improvements could be made to improve the rating, these include;

- Sign up to Considerate Contractor Scheme
- Provide a commitment to sign up to ICE Demolition Protocol to verify/confirm use of recycled materials on-site.
- Further evidence should be provided to demonstrate rainwater run-off use, use of recycled materials and how future occupiers/leasholders will be involved in future management decisions.

Regarding the use of on-site renewables, the submitted Energy Report assesses potential renewable energy sources to reduce CO<sub>2</sub> emissions by 20% through the implementation of on-site renewable technologies. This is required to meet London Plan policy. Of the various technologies considered four have been found to be potentially viable and will achieve a 20% reduction in carbon emissions; Biomass, Ground Source Heat Pumps, Solar Hot Water panels and Photovoltaics. The section 106 agreement requires compliance with the target to ensure a minimum of 20% of the site's carbon emissions to be supplied from renewables.

Code for Sustainable Homes Level 3 is to be achieved for this development, this is stated and to be secured through the s106 agreement.

## **CONSULTATION**

75 letters of notification were sent to surrounding properties, as well as statutory consultees, Ward Councillors, internal departments and Thomas A'Beckett Close Resident's Association.

**Site notices were displayed on the 5th November 2009, and a press notice advertised on the same date.**

The applicant also entered into pre-application consultation with local residents and ward councillors. Letters were sent advising of the redesign and a meeting also took place prior to the application being formally submitted.

10 objections have been received from 3<sup>rd</sup> parties. In summary these objections raise the following points/issues;

- The height of the flats will result in a loss of light to residents on Thomas A'Beckett Close
- The proposed roof terrace will result in a loss of privacy to residents of 1, 4 & 7 Thomas A'Beckett Close.
- The terrace will overlooking flats on Thomas A'Beckett Close.
- There will be associated road safety problems during construction and the proposed development will lead to further road congestion.
- The proposal has insufficient parking levels.
- 4-storeys is incompatible and out of keeping with the surrounding area which has 2 and 3-storey development.
- The proposed development is too dense.

- Additional flats will place more strain on existing infrastructure and local services.

#### *Environment Agency*

No response to this application. Their previous responses have been to raise no objection in principle to the development provided that the suggested conditions are attached to any planning permission. The Agency confirm verbally they maintain their position.

#### *Transportation*

- As the site does not have good access to public transport, the full parking allowance applies.
- Affordable housing is estimated to generate car parking demand at 50% of the maximum standard (this being 14.4 spaces), which would lead to an estimated 7-8 cars being owned by future residents. It is noted (as with previous applications) that there is spare capacity along the TABC site frontage to accommodate up to 4 cars, subject to the provision of a footway along the eastern side of that road. The application proposes 7 parking spaces on-site to meet estimated parking demand from the site. This extra provision and means of access is welcomed by Transportation.
- The provision of 2 disabled parking spaces accords with standards.
- Standard PS16 for cycle parking is satisfied.
- The siting of the refuse/recycling storage area ensures it is within 10m of Harrow Road and accords with refuse requirements, and fire access requirements remain fine.
- Confining vehicular access to at one point along Harrow Road is welcomed as it reduces access points to a London distributor road.
- The segregated pedestrian access into the building is welcomed, as is the dedication of a strip of land along the western boundary of the site to allow a footway to be provided along that side of TABC.
- Summary – No objections subject to a section 106 agreement and planning condition relating to highway works around the site..

#### *Environmental Health*

- Advised that the Contaminated Land Risk Assessment, previously submitted does not take into account potential contamination from the site uses over the last 3 years. In order that the proposed development does not pose a significant risk to the site end users contaminated land conditions are recommended relating to fuel infrastructure removal, site investigation works and remediation measures. A condition is also recommended for the submission of a construction method statement as the site falls within an air quality management area.

#### *Landscape;*

- No objection in principle.
- It is advised that the ground floor communal amenity strip be incorporated into the private gardens and that balconies be added to each of the first floor units.
- It should be noted that the landscaping proposals will see additional trees planted within the frontage. Exact species and locations of these will be confirmed through the landscaping condition.

*Sustainability Officer;* (see sustainability section for detailed comments).

## **REMARKS**

### **Policy**

The site at present is a former petrol garage with ancillary shop used for car sales, there is no policy basis to resist its loss. With regard to the site's suitability for redevelopment there is no objection in principle to residential development. This principle has already been established, permission for a 13 unit scheme was granted under planning ref 07/3815.

The principal issues in relation to the proposed development therefore focus upon the massing,

design of the building, quality of accommodation provided, impact of the development on adjacent properties, associated transport impacts and the schemes sustainability credentials.

### **Density**

The scheme provides a total of 36 habitable rooms which equates to a residential density of 310 hr/ha, or 86 u/ha. This is a more dense development than the consented scheme for 13 units (255 hr/ha), due to the increase in habitable rooms. The Council's Supplementary Planning Guidance 17: "*Design Guide for New Development*" sets out appropriate density ranges for residential development. It states that for sites within an area of moderate or above moderate public transport, as is the case with the proposed site the appropriate density range is 150-350 habitable rooms per acre, subject to site constraints. The proposal for 10 units as with the consented scheme for 13 would therefore comfortably falls within the upper end of the density ranges set out in the Council's own guidance as well as the London Plan's density matrix which considers a density range of 200-450 hra to be appropriate in this location.

### **Proposed form of development, site layout and SPG17**

#### *Design;*

The proposed building which is to be flat roofed will be constructed mostly in brickwork with a colour render to the communal staircase and corridor areas. A light brown/grey colour brick is proposed to reflect the mixture of brick types in the area. The circulation core is distinguished from the rest of the building by the use of a medium grey render, this reflects the contemporary design of the building and the use of different materials and storey heights helps to breakdown the scale and massing. Windows are to be aluminium with coloured metal panels fixed to some of these. Recessed balconies with galvanised steel balustrades are used which add an interesting architectural feature, these avoid the inclusion of any projecting elements so that the elevations are clean, simple and as a result the building appears cube like in appearance. Notwithstanding the samples board and details already submitted a condition is recommended requiring approval of materials to be used.

The siting of the building does not deviate greatly from the consented scheme. The building is set back from Harrow Road by an area of landscaping and frontage parking similar to the previous application, with space maintained at the rear for private amenity space and a landscaping strip along the boundary. The footprint of the building deviates from the consented scheme at the western end, resulting in a reduced separation from 10m as previously approved to 8.8m when measured from the rear wall of proposed building to the block at the rear.

The height of the proposed building largely mirrors the consented scheme. This existing consent includes a part 4-storey element maximum 11.8m high fronting Harrow Road, stepping down to a 3-storey element 8.4m high at the corner facing TABC, with a roof terrace above this 3-storey part. In comparison the current scheme is part 4-storey and steps down to 3-storey's at the corner where it faces TABC. The height proposed isn't greater than the consented scheme. Officer's are comfortable with the proposed height and massing firstly on the basis this is a corner site which gives scope for a greater building height than surrounding forms of development, and the blocks on the opposite side of TABC are 11m away and separated by a road. Secondly because the proposed scheme keeps as closely as possible to the building envelope already approved (07/3815). Thirdly the appeal scheme which was 4-storeys to the corner and approximately 11m in height was considered satisfactory by the Inspector in terms of massing, height, proportions, design and how it relates to existing dwellings. Therefore an objection on these grounds would be unreasonable given the Inspector's support for a building of this scale and massing.

Officers consider the building to be of a scale, massing and height that is appropriate, the building has a direct relationship with the street at ground level with well proportioned windows, habitable rooms and entrances on the frontage and as such is considered to meet the intentions of policy BE9.

### *SPG17 discussion;*

A minimum 10 metre separation is normally required from any habitable room window on a main rear elevation and the rear boundary, or flank wall of adjoining development, in order to maintain a reasonable outlook and to avoid any development resulting in an obtrusive appearance or poor outlook. A failure to achieve this has been a failing of previously refused schemes which proposed a separation less than 5m away. The current scheme proposes a separation of 8.8m, although this is less than 10m as set out in SPG17 the shortfall is not considered enough to result in a poor outlook for future occupiers, partly because the affected units will due to the siting of the building benefit from an aspect and outlook onto TABC. Furthermore this relationship will not compromise neighbouring privacy as there are no sensitive windows on the flank wall of the development to the rear.

The 2-storey element which is to the eastern end of the site maintains a gap of 6m from rear elevation to rear boundary, this is as per the consented scheme (07/3815). The shortfall can be justified in this instance as the affected units benefit from being dual aspect, and therefore are not solely reliant on this relationship to the rear for outlook. In addition this relationship does not compromise privacy as the views to the adjacent block are oblique only, and no direct overlooking would result an approach supported by previous Inspector's decision.

### *Accommodation;*

The units have been designed to meet Noting Hill Housing's need for 2 and 3 bed units. It should be noted that the units all exceed minimum SPG17 floor area standards, some quite significantly and will deliver good quality accommodation, with 60% of the units for family accommodation (i.e. 3-bedrooms). The units have been designed to meet lifetime homes, Housing Corporation standards (HQI) and English Partnership standards as well as providing for a disabled wheelchair accessible unit on the ground floor. The Council's Housing department confirmed they are supportive of the provision of larger social rented family units which this proposal offers.

### **Schedule of floor areas**

<b>Unit</b>	<b>Proposed Size</b>	<b>Unit</b>	<b>SPG17 Standard</b>
Unit 1 (3-bed/5p)	85sqm		80sqm
Unit 2 (3-bed/5p)	85sqm		80sqm
Unit 3 (3-bed/5p/disabled)	94sqm		80sqm
Unit 4 (3-bed/5p)	85sqm		80sqm
Unit 5 (3-bed/5p)	85sqm		80sqm
Unit 6 (3-bed/5p)	87sqm		80sqm
Unit 7 (2-bed/4p)	67sqm		65sqm
Unit 8 (2-bed/4p)	67sqm		65sqm
Unit 9 (2-bed/4p)	67sqm		65sqm
Unit 10 (2-bed/4p)	67sqm		65sqm

### **Impact on living conditions of adjacent occupiers**

One of the main considerations for the site's redevelopment, which is consistent with previous applications on this site, is how the proposed building will relate to the neighbouring properties. With earlier schemes there was a concern with the relationship of the proposed building to the occupiers of the block to the rear, situated on Thomas A 'Beckett Close. This was addressed by reducing the building height to part 2-storey at the eastern end of the site. This approach was supported by the Inspector's in his decision who considered that the replacement part 2-storey building, albeit sited much closer to the rear boundary than this current proposal would not be harmful to the neighbouring occupiers living conditions. The point made by the Inspector has been taken into account in assessing this proposal and the previous approval. So far as the current scheme is concerned the proposed building, at its eastern end is 2-storey's high (5.7m high), this is

no higher than the approved scheme. The roof terrace treatment above the 2-storey element is a balustrade with planters behind, at Officer's request this has been set in from the edges to reduce the height and bulk of this part of the building.

The Daylight and Sunlight Report submitted by CHP looks at the potential for impact from the proposal on daylight and sunlight to surrounding properties. This analysis finds that in relation to daylight and sunlight the neighbouring properties will not be materially affected by the proposed development, in that they meet BRE guidelines.

Balconies which are recessed are proposed for 2nd floor flats but these do not face flats on the opposite side of TABC, all balconies have been removed from this elevation to address Members and residents concerns with the previous scheme. Where the building steps down to 3-storeys private roof terraces are now proposed above the 3-storey element, as per the consented scheme. These private terraces are to be screened with planting and privacy screens to mitigate and reduce potential for overlooking. Officer's confirm the distance from the edge of the terrace to the flank wall of the front block on TABC, which only contains secondary windows is 11.4m. The previous Inspectors decision raises a concern about the proximity of siting balconies along this elevation facing the opposite side of the road. However there is a key difference between the schemes because this was said in response to external balconies fixed to the face of the building. Officers consider though that due to the fact balconies along this elevation are removed, and the roof terrace is to be well screened and will face directly a flank wall with secondary windows that there will not be a significant loss of privacy to the occupiers of 1, 4 & 7 TABC.

### **Amenity space**

The provision of quality, useable amenity space has been a difficulty with previous attempts to develop this site, due to its size constraints. The Inspector's decision to dismiss the earlier appeal found the under provision of amenity space to be unacceptable, only 145sqm was proposed for a 14 flat scheme for which we would normally require 280sqm as a minimum.

The overall amount and quality of amenity space has been significantly improved. With the current proposal amenity space is provided in the form of private gardens in excess of the minimum 50m<sup>2</sup> for each of the ground floor family units, this is an improvement on the consented scheme. The first floor units, 4, 5 do not have direct access to balconies. Whilst it would be preferable for these units to be afforded with direct access to outside space their inclusion is not supported for reasons of design, potential for overlooking and harm to the units below in terms of restricting outlook. It should also be noted units 4 & 5 exceed SPG17 minimum floor area standards and provision is made for amenity space on-site in the form of a communal roof terrace, which is 88m<sup>2</sup>. This will still provide useable outside space. For these reasons the absence of direct, private amenity space is supported. Unit 6 is afforded a private roof terrace above the single storey element which houses the refuse bins and bikes. The terrace is set in from its edges and positioned to the front section of the flat roof to ensure no loss of privacy to the adjacent 2-storey dwelling. There are no windows along the flank wall of the neighbouring dwelling 977a Harrow Road.

At second and third floor these 2-bed units each have generous recessed balconies 17m<sup>2</sup>, this is a significant improvement on the consented scheme in terms of quality of accommodation and access to amenity space.

The total quantum of amenity space has increased and is an improvement on the consented scheme. Overall there is in excess of 300m<sup>2</sup> of quality, useable amenity space, this is to be a mixture of private and communal.

### **Transportation**

The applicable parking standard can be found in PS14 of the Adopted UDP 2004, but full standards apply as the site does not have good access to public transport (PTAL 2). The parking allowance for the 10 units is in the order of 14 spaces. However as these units will be affordable, for social rent by a registered social landlord then Transportation supports a reduction of 50% (as

per policy PS14). Applying this policy the proposal would lead to an estimated demand of 7-8 cars. The proposal makes provision for 7 spaces off-street (including 2 disabled bays), with the extra space provided at Officer's request. Transportation supports the level of parking proposed for this 10 unit scheme. In terms of the ratio of spaces to units this represents an improvement; the proposal provides 7 spaces for 10 units, in comparison the consented scheme provides 9 spaces for 13 units. Your officer's have also visited the site on a number of occasions during day and night to survey the parking levels. On each day time visit there was capacity on TABC for additional parking for as many as 6 cars on one occasion. It is accepted TABC does experience higher levels of night time parking, however Officer's confirm that parking on TABC was not at full capacity when surveyed at night.

Furthermore it is important to take into account the residents of TABC have the option to use individual "lock-up-garages" which would help to reduce parking pressures residents refer to in their representations and the proliferation of on-street parking. There are 27 garages to the rear of the site, if these were used to capacity this would alleviate parking pressures.

The dedication of a strip of land along the western boundary of the site to allow a footway to be provided along that side of TABC is welcomed. The works to provide this footway and dedicate the required strip of land as highway should be undertaken by the developer under a S38/S278 Agreement.

The revised plans which show the provision of an extra parking space will require the formation of a new vehicle crossover off TABC. This is supported on Transportation grounds.

### **Refuse/cycle storage**

The scheme meets the required level of refuse and cycle spaces (16), the siting of the storage areas are easily accessible for the units and refuse servicing vehicles being within 10m of Harrow Road.

Officers have explored the feasibility of a shared refuse area which could also be used by existing resident's on TABC, as local residents had raised this issue. Unfortunately this is not considered feasible given the site constraints, and due to concerns Officers have about how effective a shared facility would be in practice, because if this was to be sited on the application site it would be a considerable distance from blocks furthest away to the rear on TABC.

### **Conclusion**

This site offers a number of constraints and has proven to be a difficult site to develop, as evidenced by the history of refusals on the site and unsuccessful appeals. The consented scheme for 13 private flats is not being pursued in the current economic climate, instead the current proposal is to provide 10 affordable units for social rent. The units are to be managed by Notting Hill Housing who will use the accommodation for the decant of nearby Barham Park Estate.

The current proposal has been considered on its merits but also with regard to the consented scheme and the Inspectors decision. Furthermore the proposal reduces the massing and removes balconies facing TABC in order to address Members concerns which resulted in a refusal of the previous scheme. Improvements have also been made to parking with the provision of an extra space, resulting in 7 overall.

At a density of this level, it falls within the upper end of the UDP residential density range specified as being acceptable for this location, The development will provide levels of parking in accordance with the Council's adopted standards for affordable housing and will provide a reasonable standard of accommodation for future occupiers, furthermore it is considered a building of this proposed scale and massing will sit comfortably in this location whilst maintaining the amenities of surrounding residents. The success of this contemporary design will to a degree be dependent on the quality of materials and detailing, further details of this and landscaping will be required through condition.

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

**CONDITIONS/REASONS:**

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

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) Notwithstanding any landscaping details submitted with the application, prior to commencement of works on site, a detailed scheme of landscaping for the areas within the site surrounding the building (including roof terraces), depicting the size, density and number of trees, shrubs and plants, rooting systems, retention of any existing landscaping, means of enclosure, areas of hard and soft landscaping and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved. Any trees or shrubs which, within 5 years of planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development, so that the proposal enhances the visual amenity of the locality, and to provide suitable tree planting in pursuance of Section 197 of the Town and Country Planning Act 1990.

- (3) Notwithstanding any description of materials given in the application, further details of the materials, including samples, proposed for:

- (a) all external surfaces of the building (including windows and doors)
- (b) all areas of hard landscape works
- (c) boundary walls, fencing and any other means of enclosure (i.e. balconies) including materials

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Where appropriate, a schedule of the exact product references shall be provided.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

- (4) The parking spaces detailed on the approved plans (including cycle storage spaces) shall be constructed in full prior to the occupation of the buildings and shall be permanently retained and used for the parking of private vehicles directly associated with the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (5) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full.

Reason: In the interests of safety, amenity and convenience and in the interests of the amenities of the adjoining residents.

- (6) The development hereby approved shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing, by the local planning authority. The scheme shall be implemented as approved.

Reason; To protect the local watercourses

- (7) Prior to the commencement of building works, all structures associated with fuel storage and retail including tanks, fuel lines and pumps shall be removed from site. This work must be validated to ensure that no residual hydrocarbons remain on site at levels above agreed concentrations.

Reason; To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (8) Following the demolition of the petrol station and removal of the fuel infrastructure, a site investigation shall be carried out by competent persons to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

Reason; To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (9) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (10) The proposed highway works to include the provision of a new vehicular crossover onto Harrow Road, a new vehicular crossover onto Thomas A Beckett Close, the reinstatement of the two existing redundant crossovers onto Harrow Road to footway and provision of a new 1.5m wide footway along the Thomas A'Beckett Close frontage to the site (including dedication of a strip of land along the western edge of the site as public highway) through an Agreement under S38/S278 of the Highways Act shall be carried out prior to the occupation of the development hereby approved.

Reason; In the interests of pedestrian and highway safety.

## **INFORMATIVES:**

- (1) During construction on site:-
  - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
  - (b) The operation of 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 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
  - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
  - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
  - (e) No waste or other material shall be burnt on the application site.
  - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
  - (g) A barrier shall be constructed around the site, to be erected prior to demolition.
  - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (2) The applicant is advised to contact the Director of Transportation regarding adoption of land along TABC frontage of the site as footway is maintainable at public expense under S38 and S278 of the Highways Act 1980.
- (3) If the development is carried out it will be necessary for a new crossings to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.
- (4) 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.
- (5) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface-water sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. They can be contacted on 08454 850 2777.

## **REFERENCE DOCUMENTS:**

- Brent's Adopted Unitary Development Plan, 2004
- SPG17 'Design Guide for New Development

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



# Planning Committee Map

Site address: 979-981, Harrow Road, Wembley, HA0

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This map is indicative only.