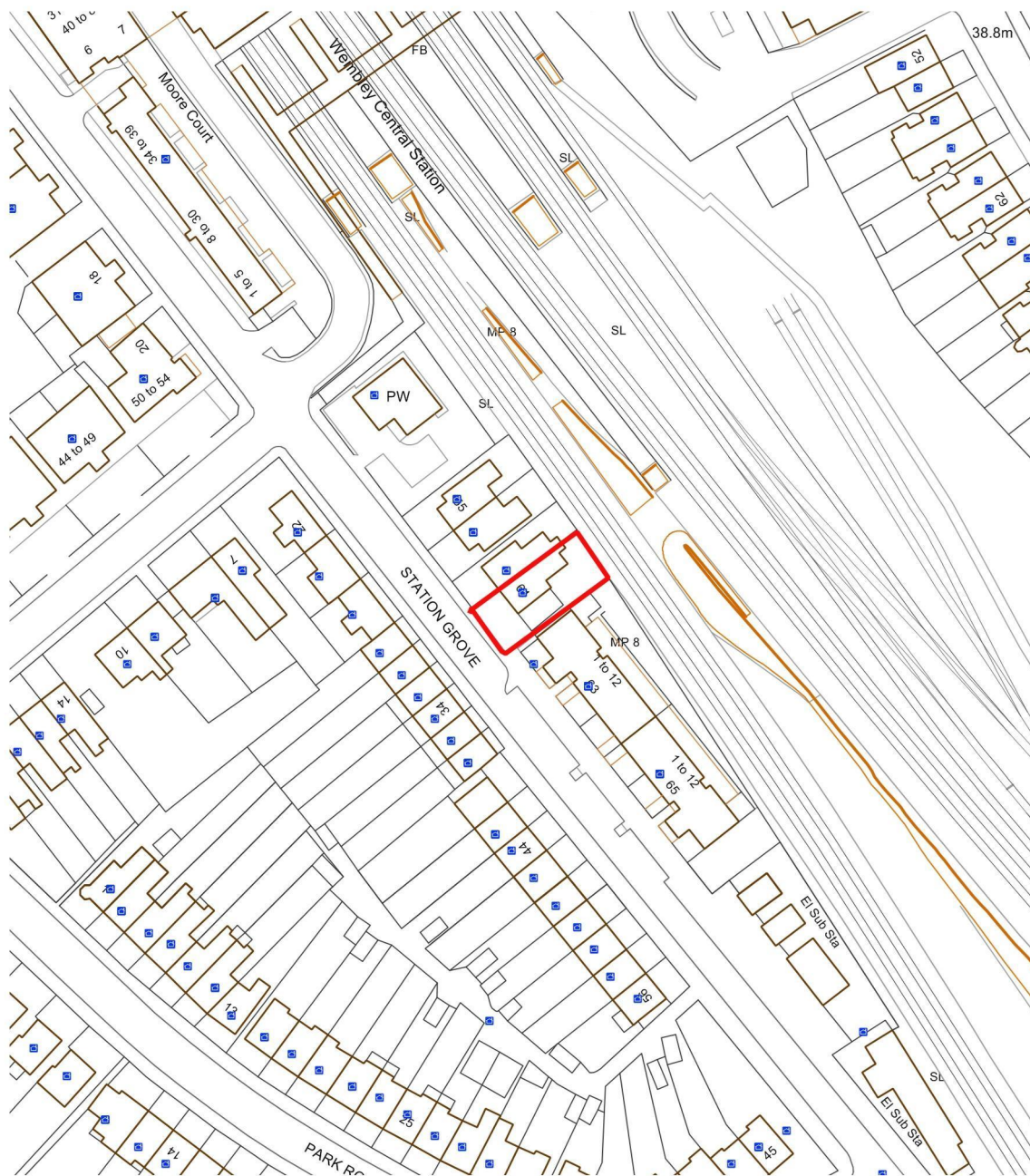




Planning Committee Map

Site address: 61A Station Grove, Wembley, HA0 4AR

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This map is indicative only.

RECEIVED: 15 January, 2013

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 61A Station Grove, Wembley, HA0 4AR

PROPOSAL: Demolition of existing garage and erection of a new 2-bedroom single family dwelling house (C3 Use Class), with associated soft landscaping and off-street parking space.

APPLICANT: Mr Bharat Kerai

CONTACT:

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

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

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) A contribution of £3000, (£3000 per bedroom created,) due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £1,890.00.

EXISTING

The site is on the north-eastern side of Station Grove and is adjoining flats 61 and 61A Station Grove. There is a single storey garage attached to the property which it is proposed to demolish to make way for the development. South east of the application site is a 4-storey flatted development of 24 units, this was allowed on appeal.

The area is characterised by residential properties, though there is a variety of different housing types and flatted developments. Directly to the rear (north east) of the site is a railway line.

The site is not within a Conservation Area, nor is it within the grounds of a Listed Building.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	dwelling houses	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	33		33	87	54

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	33		33	87	54

PROPOSAL

Demolition of existing garage and erection of a new 2-bedroom single family dwelling house (C3 Use Class), with associated soft landscaping and off-street parking space.

HISTORY

12/2796 – Refused on 31/12/12

Demolition of garage and erection of a three storey building comprising 1 x 2 bed flat and 1 x 1 bed flat (as amended by revised plans dated 18/12/12).

Reasons for refusal;-

- 1. The proposed single storey part on the boundary in conjunction with the additional projection off the boundary, by virtue of its siting, footprint, proximity to neighbouring boundaries and projection beyond habitable windows in the neighbouring property (61 & 61A), will be detrimental to the residential amenity of neighbouring occupiers due to a resultant loss of light, outlook and overbearing impact. As a result the proposal is contrary to Unitary Development Plan policy BE9 and the guidance contained within SPG5 'Altering & Extending Your Home' as well as the guidance contained in the Council's SPG17 'Design Guide for New Development'.*
- 2. The proposed design, namely the introduction of a projecting front bay feature at ground and first floor will relate poorly to the character and appearance of the existing semi-detached pair of houses, will appear incongruous and out of character with the streetscene. This is contrary to UDP policies BE2 and BE9.*
- 3. In the absence of details the application fails to demonstrate that the proposed new dwellings, by reason of their proximity to the railway line, would result in acceptable internal resting and sleeping conditions in living rooms and bedrooms. This failure to demonstrate that the proposed accommodation will provide a suitable level of residential amenity for the occupiers, is contrary to policy EP2 of Brent's Unitary Development Plan and the guidance contained in the Council's SPG 17 'Design Guide for New Development'.*
- 4. In the absence of a legal agreement to control the matter, this development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. Nor would it make the necessary contribution to the Mayor's Community Infrastructure Levy. As a result, the proposal is contrary to policies EP3, TRN3, TRN4, TRN10, TRN11, CF6, OS7 and BE7 of Brent's adopted Unitary Development Plan 2004; policy CP15 of Brent's Core Strategy 2010 and the adopted S106 Planning Obligations Supplementary Planning Document.*
- 5. The proposal has not demonstrated the adequate provision of refuse and recycling facilities within the curtilage of the site and is therefore contrary to policy TRN34 of Brent's Unitary Development Plan and the guidance contained in the Council's SPG 17 'Design Guide for New Development'.*

96/1796 – Granted

Erection of 3-storey building to provide 2 self-contained flats

91/0093 – Allowed on appeal

ERECTION OF THREE STOREY BUILDING TO PROVIDE TWO SELF-CONTAINED FLATS

89/1909 – Refused

ERECT.OF 3 STOREY BUILDING TO PROVIDE 2 S/C FLATS(ON 61A)

87/0504 – Granted

CONV TO 2 S/CON FLATS & EREC OF S/S REAR EXTN & BIN ENCLOSURE

POLICY CONSIDERATIONS

National Planning Policy Framework – NPPF 2012

London Plan – Spatial Development Strategy 2011

Brent UDP 2004

- *BE2 Local Context*
- *BE3 Urban Structure: Space & Movement*
- *BE7 Streetscene*
- *BE9 Architectural Quality*
- *EP2 Noise & Vibration*
- *H12 Residential Quality – Layout Considerations*
- *TRN3 Environmental Impact of Traffic*
- *TRN11 The London Cycle Network*
- *TRN23 Parking Standards Residential Developments*
- *TRN24 On-Street Parking*
- *TRN34 Servicing in New Development*

Brent Local Development Framework Core Strategy 2010

- *CP17 Suburban Character*

SPG

SPD- Planning Obligations- s106

Supplementary Planning Guidance No. 17 - “Design Guide for New Development”

Main Considerations

- Quality of accommodation
- Impact on neighbouring properties
- Impact upon the character of surrounding area
- Impact on local infrastructure
- Impact on parking and highway safety

CONSULTATION

Consultation Period: started 22/01/13

A total of 26 properties notified by letter and five objections have been received. The grounds for objecting are summarised below;-

1. Development will result in a loss of light and privacy to properties directly opposite.
2. Development will result in a loss of light and privacy to adjoining flats (61 & 61a)
3. Will result in the loss of this as a semi-detached pair, creating a terrace, which in turn will have a negative effect on property values.
4. Will make it more difficult to park on-street on Station Grove.
5. This will cause disruption for neighbours during construction (problems of noise and dust).
6. Will result in loss of outlook from flank wall windows in neighbouring flatted development (63 Station Grove).
7. Will result in ventilation problems for the attached building (raised by flat 61a Station Grove).
8. This will reduce property values for the attached flats (not a material planning consideration).

Environmental Health- No objection raised but in the event that planning permission be granted conditions are recommended requiring;-

- (i) assessment of the potential noise and vibration associated with the proximity to the railway land shall be undertaken and a report submitted for approval. If necessary mitigation measures should be set out within this report. All residential properties shall be designed in accordance with BS8233:1999 'Sound Insulation and noise reduction for buildings Code of Practice
- (ii) Prior to occupation the applicant should submit in writing the results of post-completion testing to show that acceptable internal noise levels have been achieved.

Transportation –

- At present the site has up to 4 off-street parking spaces when you include the garage and the frontage.
- The application site is on Station Grove, a local access road which is not defined as being heavily parked. This lies within CPZ "C" which operates 08:00-18:30 Mon-Sat, and has very good accessibility with a PTAL rating of Level 5.
- The existing flats (2-bed units) each attract a standard of 0.7 spaces, making the total requirement for the site 1.4 spaces.
- The proposed 3-bed house which can be permitted 1.2 spaces under the same stricter parking standard. (CHECK THIS IS CORRECT)
- This presents a significant increase in parking for the site from 1.4 to 2.6 spaces.
- Following the loss of the garage the site as a whole will still benefit from 3 off-street spaces. The proposed dwelling will be afforded a single off-street space, which accords with parking standards.
- Sufficient levels of frontage landscaping are proposed.
- Some minor remedial works will be sought (at the developer's expense) so that the existing crossover will match the location of the proposed hardstanding.
- Further details of future front boundary treatment should be sought via condition.
- Refuse and recycling provision is now satisfactory.
- Further details of secure and covered cycle parking should be sought via condition.

Subject to the above mentioned details being secured through condition, and subject to a s106 agreement securing a contribution towards improving highway safety, new parking controls and better non-car access there would be no objection raised on transport grounds.

REMARKS

The application proposes to erect a new 2-bed dwelling attached to 61 & 61A Station Grove with associated amenity space and off-street parking.

This application follows the refusal of planning application 12/2796 in December 2012. This proposed a new building attached to 61 & 61A Station Grove to accommodate 2 self-contained flats. The reasons for refusal are set in the above 'History' section.

Main differences between current proposal and refusal application 12/2796;

- This application proposes a single dwelling, whereas the previous application was for 2 flats.
- The building footprint has been reduced, resulting in a shallower ground floor projection beyond the neighbouring building line. The previous application proposed a maximum 5m projection, this has now been reduced to 3m.
- The staggered projection to the rear on the ground floor previously proposed has been replaced.
- Details of refuse and recycling storage have been provided.

Earlier permissions were granted in 1976 and 1991, with the earlier development being allowed on appeal. These were both for a 3-storey building comprising of two self-contained flats. Whilst these have a degree of relevance they were granted quite some time ago now and the current application must be considered on its merit and in the context of current planning policy, and adopted guidance.

Summary of further amendments to the proposal;

The original application was proposing a 3-bed/5-person dwelling with internal floorspace of 87sqm. This fell somewhat short of the London Plan minimum space standard of 96sqm for such a property. The applicant has since revised the proposal to a 2-bed/4-person dwelling, and this meets the relevant London Plan minimum space standard.

The design of the property has been altered resulting in the removal of the projecting front bay feature. It was

considered that such a feature would have been out of character with the neighbouring dwellings on this side of Station Grove. The fenestration that is now proposed to the front elevation will respect neighbouring dwellings.

These amendments are set out in revised drawing phou/342BC.

Principle of Development;

This is an established residential area and the proposal would not result in the development of residential garden. As a principle there is no objection to the demolition of the garage and a replacement dwelling being built. Development on previously developed land in this sustainable location would be consistent with some of the core principles running through the National Planning Policy Framework (NPPF).

Quality of proposed accommodation;

The new building would see a 2-bed/4-person dwelling sufficiently sized in order to meet the minimum London Plan standard of 86sqm.

The layout proposed will ensure all habitable rooms have reasonable daylight, sunlight and outlook.

An area of amenity space is proposed to the rear, this will satisfy SPG17 standards on outdoor space.

Environmental Health has noted the proximity of the railway line to the rear of the site, and its potential to cause noise and vibration for future occupiers. To safeguard future residential amenity an assessment will be required to be carried out, this shall provide an indication of associated noise and vibration levels that may be experienced, and it should set out details of any necessary mitigation measures to reduce impacts. It is requested that submission and consideration of said report should be secured as a planning condition.

Impact on neighbouring amenity;

Consideration of the impact on 61 & 61A Station Grove (the attached flats), as well as the neighbouring more recent flatted development at 63 Station Grove has been given.

There are habitable windows in the flank wall (of the rear outrigger projection) and the rear facing wall of 61 & 61A Station Grove. Officer's previously had a concern with the footprint of the proposed building that was recently refused permission. Due to the extent to which it projected into the site and beyond the neighbouring building line that proposal would have resulted in an unacceptable impact on windows in the neighbouring properties, through loss of light, outlook and privacy.

In response the scheme was amended, proposing a reduced footprint on the first floor which demonstrates compliance with the "2:1" rule. In doing so concerns about the development's impact on neighbouring first floor windows were overcome. However the projection of the building at ground floor remained a concern. The proposed building had been staggered on the ground floor, projecting 2m beyond the neighbouring building along the boundary, and stepping out a further 3m where the building is set off the boundary by 1.7m. This resulted in a maximum projection of 5m beyond neighbouring windows. It was considered that on balance this level of projection would result in the creation of a tunnelling effect for the ground floor windows in the attached property at ground floor, and this level of projection would result in unacceptable loss of light and outlook. This would have created conditions harmful to the amenity of neighbouring occupiers, contrary to UDP policies BE2 and BE9.

The current proposal has been amended in response to the aforementioned concerns. The building footprint has been reduced in order to create a more acceptable relationship between buildings. At ground floor the proposed dwelling would now project 3m beyond the rear of the neighbouring building line. This is an improvement on the previous proposal and is consistent with the principles set out in Supplementary Planning Guidance 5. Under this guidance a 3m deep extension beyond a neighbouring dwelling is generally considered to strike an acceptable balance in terms of protecting neighbouring amenity from habitable windows. On balance it is considered that the footprint of the building will still maintain an acceptable level of amenity for neighbouring occupiers.

On the first floor the projection of 1.405m will comply with the "2:1" rule, set out in SPG5. In doing so this will have an acceptable impact on neighbouring windows.

The neighbouring block of flats has flank wall windows on each floor, facing north west directly towards the application site. The proposed building would see a reduction in light and outlook to these windows. However these windows are secondary only, with the principle outlook to these affected rooms being gained from the front of the building. The principle windows will remain unaffected by the proposal, and as these are only secondary windows then the impacts in terms of loss of light and outlook are not enough to warrant refusal of

planning permission.

Highway issues

The site has very good public transport accessibility with PTAL5.

The existing five flats are each permitted 0.7 parking spaces, the stricter standard applies here as there is a CPZ in operation and the site has a very good PTAL level. The proposed dwelling would attract 0.7 further parking spaces. As a result the site will increase from 1.4 to 2.1 spaces overall. This increase can be met off-street on the frontage via existing crossovers, though transportation would seek further details via condition to confirm front boundary treatment, secure cycle parking and works to reposition the existing crossover (which will need to be carried out at the developer's expense).

In summary the proposal will have an acceptable impact on the local area as sufficient off-street parking can be provided for both the existing flats and the proposed dwelling.

Suburban character

The proposal would see this semi-detached pair become a terrace, which objectors have raised in their grounds for objection, citing that this change in character will have a negative effect on the value of their properties. In terms of the impacts that this would have on the streetscene and the local area Officer's do not consider that this change in character is would be harmful. This is due to the fact that Station Grove has a mixture of building types, consisting of semi-detached housing, terraced housing and more recent flatted developments. Because of this varied character the proposal would not look out of character with the surrounding urban grain.

Materials samples have been submitted which demonstrate that the proposed development will be in keeping with the neighbouring building. A yellow stock brick is proposed, with clay roof tiles to match the neighbouring.

Response to grounds for objection;

Development will result in a loss of light and privacy to properties directly opposite.

Properties directly facing the site on the opposite side of Station Grove are separated by a distance of 18.5m. This level of separation is considered to be enough to ensure that the proposal does not unduly harm these properties through either a loss of light or privacy.

Furthermore this relationship and the level of separation between facing properties on opposite sides of the road is identical to the established street pattern. Therefore it could not reasonably be argued this is any more harmful than the pre-existing relationships along both sides of Station Grove.

Development will result in a loss of light and privacy to adjoining flats (61 & 61a)

There are no habitable room windows located within the main flank wall of the neighbouring building.

Any windows that are in place are situated within the rear elevation, or within the rear outrigger.

Due to the reduced building footprint now proposed then levels of projection beyond the neighbouring building at both ground and first floor are fully compliant with the levels of projection advocated in SPG5. This guidance relates to domestic extensions, but the established principles in terms of the level of projection that can be supported can equally be applied to this proposal as a mechanism to establish what is an acceptable level of projection, whilst at the same time safeguarding neighbouring amenity.

Will result in the loss of this as a semi-detached pair, creating a terrace, which in turn will have a negative effect on property values.

As previously discussed, Station Grove has a mixed character in terms of the built form. This comprises semi-detached pairs, short rows of terraced housing, detached buildings and higher density flatted developments of more than 2-storey's in height. Therefore no objection is raised to this existing semi-detached pair becoming a short terrace of three properties. For the above mentioned reasons this would not appear out of place within the streetscene, nor would it adversely effect the established local character.

Residents concerns that this would have a negative effect on existing property values cannot be taken into consideration. This is not a material planning consideration, and would not be a reason to refuse planning permission.

Will make it more difficult to park on-street on Station Grove.

The parking standard for the existing flats (61 & 61a) as well as the proposed dwelling can be met off-street.

As such it is not anticipated that this would create unacceptable overspill parking on Station Grove.

This will cause disruption for neighbours during construction (problems of noise and dust).

This may well be the case for a temporary period, and in built up urban areas this is an inevitable side effect of construction work. However this is not a reason upon which to refuse planning permission.

Environmental Health has legislative powers to tackle noise disturbance if noise levels constitute a statutory nuisance, as well as having control over the hours during which construction work taking place.

Will result in loss of outlook from flank wall windows in neighbouring flatted development (63 Station Grove).

There would be a degree of lost light and outlook, but as discussed above these windows that face towards the application site are only secondary windows. The principle windows that serve the affected room(s) will remain unaffected by the proposal.

Will result in ventilation problems for the attached building (raised by flat 61a Station Grove).

Where the proposed building will be attached to the existing there are no windows or ventilation bricks within the main flank wall.

S106 –legal agreement

The Council adopted a Supplementary Planning Document on Planning Obligations s106 in October 2007, and this requires obligations/ charges where planning conditions are not sufficient to control the impacts of a development. The proposed scheme will be subject to a section 106 planning obligation agreement in order to secure the following:-

- 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) A contribution of £3000, (£3000 per bedroom created,) due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

Planning permission cannot be granted without agreement to these heads through an s106 agreement. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space due to substandard on-site amenity space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality, and would be refused.

Community Infrastructure Levy (CIL)

The Mayor's Community Infrastructure Levy, otherwise known as CIL became effective from the 1st April 2012 onwards. As this is proposing the creation of a new residential unit it is CIL liable development.

The Planning Act 2008 gave powers to the Mayor of London which allow a London wide CIL to be charged on eligible developments in order to help fund strategic infrastructure projects. The Mayor has now decided to charge CIL in order to raise approximately £300m which will be put toward London's share of the Crossrail funding package agreed with central Government. This means that all eligible developments granted planning permission from 1 April 2012 will be liable to pay Mayoral CIL regardless of when the application was submitted to the Council or any resolution to grant planning permission by the Council's Planning Committee.

Mayoral CIL has been set at £35 per sqm on developments involving the creation of new residential units, and this proposal would qualify as chargeable development on this basis.

Conclusion;

The revised proposal is considered to be acceptable in terms of its scale, design and the impact it has on the character of the area and the streetscene. The reduction in footprint is welcomed, this helps the proposed to have an improved relationship to the neighbouring flats. It is considered that on balance this improved relationship will satisfactorily address the failings of application 12/2796 that were raised in terms of harm to neighbouring amenity.

RECOMMENDATION:

That planning permission be **granted** subject to attached conditions and completion of a satisfactory s106 agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework 2012
LDF Core Strategy 2010
Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

Drg ep/342
Drg phou/342BC
Drg fg/34A

Materials samples;
Yellow stock brick
Redland 49 roof tile
Redland dormer tile

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

- (3) The landscape works and planting shown on the approved plans shall be carried out:-
(a) prior to the occupation of any part of the development;

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

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

- (4) No windows or glazed doors shall be constructed in the flank wall(s) of the building without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) Prior to the commencement of development, an assessment of potential noise and vibration associated with the proximity to railway land shall be undertaken and a report submitted to the Local Planning Authority for approval. The report shall outline the mitigation measures to be implemented to safeguard the amenity of future end users. All residential premises shall be designed in accordance with BS8233:1999 'Sound Insulation and noise reduction for buildings - Code of Practice' to attain reasonable internal resting/sleeping conditions in living rooms and bedrooms, and the development must be designed to ensure that the vibration levels stated in BS6472:2008 'Evaluation of human exposure to vibration in buildings (1Hz to 80Hz) are not exceeded. All approved mitigation measures shall be implemented in full.

Reason; To safeguard the amenity of future occupiers.

- (6) Prior to the occupation of the dwellings, the applicant shall submit in writing to the Local Planning Authority the results of post completion testing undertaken to show that the required internal noise levels have been achieved.

Reason; To obtain required sound insulation and prevent noise nuisance for future occupiers.

- (7) Prior to first occupation of the dwelling further details of (a) a secure cycle locker within the front garden, and (b) details of proposed front garden boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented in full thereafter

Reason; To ensure satisfactory facilities for cyclists and in the interests of pedestrian and highway safety.

INFORMATIVES:

- (1) 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
- (2) The applicant is advised that if the development is carried out it will be necessary for an existing crossing over the public highway to be repositioned by the Council as Highway Authority. This will need to be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.

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