



Planning Committee Map

Site address: Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley

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This map is indicative only.

RECEIVED: 11 March, 2013

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley

PROPOSAL: Erection of three two-storey terraced dwelling houses on land at the rear of 12-14 St. Andrews Avenue

APPLICANT: Mr Taher Abbasi

CONTACT: Kevythalli Design Ltd

PLAN NO'S:
See condition 2

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:-

- Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- A contribution of £3000 per bedroom (total £27,000, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- Join and adhere to the Considerate Contractors scheme.

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.

Community Infrastructure Levy – CIL

The Mayor's Community Infrastructure Levy, otherwise known as CIL became effective from the 1st April 2012 onwards.

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 the basis of the additional floorspace being created for the 8 new units proposed, resulting in a minimum 258sqm (based on calculation of net additional residential floorspace - see remarks section for breakdown of areas).

Accordingly the scheme would attract a minimum CIL amount of £9,030 (258 sqm x £35 per sqm).

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £9,231.24.

EXISTING

The subject site comprises the rear gardens of Nos. 12-14 St Andrews Avenue which lie adjacent to the end of Lothain Close which comprises a 1980s housing development of terraced and semi-detached houses. To the rear is the parking area of Elmwood Court within which are a large number of trees. The surrounding area is residential. The site is not within a Conservation Area or the curtilage 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
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FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
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TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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PROPOSAL

The erection of a terrace of three 2-storey terraced houses and associated soft and hard and soft landscaping works is proposed.

The houses are arranged over 2-storeys within a staggered terrace and comprise living spaces at ground floor level and three bedrooms at first floor level.

Four parking spaces are proposed within an area to the side of the proposed dwellings, adjacent to the Elmwood Court garage block. Vehicular and pedestrian access to the proposed development is via Lothian close.

HISTORY

- 19/10/2012 Appeal against the Council's decision to refuse planning permission for the erection of 4x3-storey houses dismissed (Ref: 11/2971).
- 09/11/2009 Enforcement Action against the conversion of 12 St Andrews Avenue without planning permission of property into two self-contained flats (LPA Ref: E/09/0767). Breach established but enforcement action not pursued as case not considered a priority.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered

to comply with the NPPF.

The NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

H12 - Residential Quality - Layout Considerations

H15 - Backland Development

EP10 - Protection of Surface Water

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011

Mayor of London Supplementary Planning Guidance

- (a) Sustainable Design and Construction (May 2006)
- (b) Planning for Equality and Diversity in London (October 2007)
- (c) Accessible London: Achieving an Inclusive Environment (April 2004)
- (d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

SUSTAINABILITY ASSESSMENT

The site is classed as a minor application and therefore the requirements of policy CP 19 of the Council's Core Strategy does not apply, as the proposal is for less than 10 units. Therefore current policy does not require the scheme to achieve the Code for Sustainable Homes Level 4 required of major schemes. The new build elements of the development will still have to meet the requirements of Part L of the Building Regulations 2010 which is equivalent to Level 3 of the Code for Sustainable Homes.

CONSULTATION

Letters were sent to 71 adjoining and nearby residents.

7 letters of objection were received noting some or all of the following issues:

- The area is characterised by brick built two storey sub-urban houses and the introduction of this terrace of three storey houses will because of their height, design and materials will harm the character of the area.
- The buildings because of their height will result in the loss of light to neighbouring properties.
- Loss of privacy to neighbouring properties.
- Local roads are already congested and this proposal will add to the problem.
- The proposed level of parking is inadequate and parking in Lothian Close is already a problem.
- Construction will cause disruption and construction traffic will endanger the children who live in Lothian Close.
- There was no consultation with the residents of Lothian Close, which is a private road, prior to the application being submitted.

The applicant has already converted 10-12 St Andrews into flats without planning permission.

REMARKS

Background

In considering the appeal against the Council's decision to refuse the earlier application for 4 three-storey houses on this site the Planning Inspector considered the principle of development in this location to be acceptable and the proposed sustainability measures incorporated into that scheme to be a material consideration in its favour proposal. However the inspector considered there to be a number of unacceptable impacts that outweighed the benefits of the scheme and the appeal was dismissed. Those unacceptable impacts were:

1. The scheme by reason of its bulk and height of the proposed buildings would unacceptably dominate this rear garden environment to the detriment of the character and appearance of the area. They would not be subsidiary to the host dwellings or respect the setting of those in Lothian Close. They would therefore have an adverse impact on the character and appearance of the area.
2. The size, scale and layout of the development would result in a level of activity that would have an adverse effect on the living conditions of occupiers of nearby properties with particular reference to noise, disturbance and visual impact.

The revised application seeks to overcome these issues through:

- a) A reduction in the proposed number of dwellings from four to three houses.
- b) A reduction in the bulk and height of the building, with the houses being reduced from three to two storeys and a reduction in the foot print of each house. The result is a reduction in total combined floor space from the 560 sqm proposed in the original scheme to 258 sqm in the current revised proposal.
- c) A reduction in the density of the scheme. The number of habitable rooms has been reduced from 24

in the appeal scheme to 15 in the current proposal. This results in a reduction in density from 308 habitable rooms per hectare to 192 habitable rooms per hectare.

- d) Amendments to the design.
- e) Relocation of the proposed parking spaces away from the sensitive boundary with the retained rear gardens of properties in St Andrews Avenue to an area adjacent to the communal garage block used by the residents of the neighbouring Elmwood Court flats.
- f) Additional landscaping – the reduction in the scale of the scheme allows more of the gardens to the host dwellings to be retained and to allow more amenity space and landscaping to be provided within the new development.

Layout

The opportunity has been taken to increase the amount of garden space retained for the curtilages of 12-14 St Andrews Avenue. The current scheme continues the building line created by existing dwellings in Lothian Close as this is considered the best urban design solution. However, the reduction in the number of dwellings enables the proposed car parking to be relocated to the north east corner of the site. In this location, it is the furthest away from existing dwellings, and it adjoins existing car parking/garaging facilities for the flats immediately to the north (Elmwood Court). It also allows the proposed refuse/recycling storage facility to be relocated next to the eastern boundary at the entrance into the site as required by the Council's Transportation Officer and a substantially increased landscape buffer along the southern boundary.

The layout provides for the necessary building to building and building to boundary distances as required by the Council's SPG17 Design Guide. All habitable room windows are at least 10 metres away from boundaries with adjoining gardens and the closest direct window to window distance is 24 metres. The revised scheme easily meets the relevant SPG17 advice relating to privacy, outlook and daylight/sunlight. The scheme also meets the SPG17 30 and 45 degree set down guidelines.

Scale

The opportunity has been taken wherever possible to maintain existing ground levels rather than to raise levels as was proposed in the appeal scheme. When combined with the proposed design changes to the dwellings and the reduction in height from three to two storeys this result in a scheme that reflects the scale and form of development in Lothian Close. The reduction in scale also results in the new proposal being subservient to the existing frontage development along St Andrews Avenue.

Appearance

Whilst the revised scheme remains a contemporary development the window design and proportions and external materials reflect those of Lothian Close to a far greater degree than in the previous scheme. This along with the reduction in mass and scale discussed helps the scheme to assimilate with its surroundings. In particular the large amount of glazing that was proposed to the front of the earlier scheme has been reduced which as well reflecting the more traditional form of housing in the area also addresses the Inspector's concern that the previous scheme would when illuminated at night could result in light pollution to the detriment of the visual amenities of neighbouring occupiers.

Landscaping

Reducing the density has allowed more space for landscaping at sensitive locations. A significant landscape buffer is now proposed straddling the southern boundary. The boundary itself will comprise a brick wall with trees and shrubs planted on both sides. As well as providing an effective screen between the new development and the existing frontage housing on At Andrews Ave it also provides an attractive setting.

Shrub and tree planting will also be provided along the eastern boundary to give sense of containment to the site and to protect the setting of the adjoining back garden.

Existing mature trees along the northern boundary will not be affected by the proposed buildings and the proposed car parking will be constructed in a way that does not damage tree roots and will be surfaced in permeable material. A condition requiring details of tree protection measures is proposed.

Parking

The car parking allowance for this area is up to a maximum of 1.6 spaces for each of the three 3-bed houses, giving a total of 4.8 spaces. The proposed provision of four spaces is therefore acceptable, whilst being close

enough to the maximum allowance to allay any fears that the development will generate overspill parking beyond the site boundary.

Adequate aisle area has been indicated for cars to be able to reverse and leave the site in forward gear, with Autotrack runs having been provided to demonstrate this.

At least one cycle space should be provided for each dwelling house and this can be provided within each back garden.

Access

As before, pedestrian and vehicular access to site are proposed as an extension from Lothian Close, which is not an adopted road. The applicant therefore needs to reach agreement with the owners of Lothian Close (believed to be Metropolitan Housing Trust) to secure access to the site from that street. This has yet to be done and the applicant has still not provided any confirmation that they have even been properly notified of the application.

To address this, the applicant has suggested that a 'Grampian-style' condition be attached to the permission, requiring details of the access to be secured prior to a material start being made on the site. This will be the absolute minimum requirement before any development can commence and this will also need to include details of works to improve access, particularly for pedestrians (such as through a footway extension or resurfacing of the end of Lothian Close in block paving), beyond the site boundary. This will also need to detail alternative parking arrangements given the loss of parking spaces from outside 18-19 Lothian Close.

Within the site, the general carriageway width is fine, but the footway width is narrower than necessary to ensure free access by wheelchair and pushchair users. Given the limited number of houses to be provided, it is instead suggested that a shared surface be provided, surfaced in coloured block paving. Details of drainage within the site, to a sustainable design, will also be required.

Servicing

Refuse vehicles need to be able to gain access to within 20m of the bin store for this development and in this respect should generally reverse no more than 12m on road safety grounds. The proposed bin store has now been relocated on the western side of the plot alongside the access, allowing refuse to be collected from Lothian Close without refuse vehicles needing to enter the site and this is confirmed as being acceptable. For emergency access, fire appliances should be able to access within 45m of all dwelling entrances and this requirement would be met by the existing turning area of Lothian Close.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework
London Plan 2011
Housing Supplementary Planning Guidance - adopted November 2012
Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
SPD "Section 106 planning obligations" October 2007
Brent's Domestic Vehicular Crossover Policy

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

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):

113/6001
113/6002
113/6003
113/6004
113/6005

Design & Access Statement

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

- (3) Details of measures to mitigate the impacts of dust and fine particles generated during construction of the development must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Thereafter the approved measures will be employed at times during construction until the development is completed.

Reason: To minimise dust arising from the operation.

- (4) No extensions or buildings shall be constructed within the curtilage of the proposed houses subject of this application, notwithstanding the provisions of Classes A, B, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

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

- (5) All roadways, footways, parking spaces and turning areas shall be constructed and permanently marked out prior to commencement of use of any part of the approved development unless otherwise agreed in writing and, approved by the Local Planning Authority. Such works shall be carried out in accordance with a scheme to be approved by the local planning authority prior to the commencement of work on site.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (6) Prior to the commencement of works on site details of all necessary agreements to enable the development to connect to and be accessed from Lothian Road.

Reason: To ensure that the site can be properly accessed and serviced.

- (7) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement

of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall also indicate:-

- (i) Proposed walls and fencing, indicating materials and heights.
- (ii) Details of trees to be retained on site.
- (iii) Details of tree protection measures during and after construction to protect existing trees on and adjacent to the site.
- (iv) Screen planting along site boundaries.
- (v) Existing contours and any alteration of the ground levels, such as earth mounding and details of any retaining walls.
- (vi) Details including materials of all foot ways, access roads and other paved pedestrian and vehicle parking areas.
- (vii) Details of the proposed arrangements for maintenance of the landscaping.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (9) Details of all external lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243