

Committee Report
Planning Committee on 30 June, 2010

Item No. 8
Case No. 10/0677

RECEIVED: 21 April, 2010

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

PROPOSAL: Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

APPLICANT: Genesis Housing Group

CONTACT: Savills L+P

PLAN NO'S:

813/X01	
GHG/813/X11 C	GHG/813/OD1
GHG/813/OD02	GHG/813/OD03
GHG/813/OD04	GHG/813/OD05
GHG/813/OD06	GHG/813/OD07
GHG/813/OD08	GHG/813/OD10
GHG/813/OD11	GHG/813/OD12
GHG/813/OD13	GHG/813/OD14
GHG/813/OD15	

RECOMMENDATION

Refusal

EXISTING

The site is a vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2. The site is not within a conservation area but is opposite Kingsley Court which is a Grade II Listed Building.

The last lawful use of the site was as a petrol filling station. There is a functioning garage directly to the north of the site on Park Avenue North and a train line to the north of the site, all other neighbouring uses are residential.

PROPOSAL

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

HISTORY

10/0266 Withdrawn
Retention of temporary hoarding to perimeter of the site

If a planning application was approved on this site and it therefore became a development site it would benefit from permitted development rights for boundary treatments to secure the site. However when the hoardings were erected they did not benefit from permitted development and required planning permission in their own right. Officers are of the opinion that the erected hoardings are not a treatment suitable to the location in terms of their appearance in the streetscene or the visibility, or lack of it, which they allow through the site. Following the outcome of this current application Officers intend to seek their removal and replacement with a more suitable treatment.

The hoardings mark out the right of access through the site but otherwise their existence is not relevant to the consideration of the current application.

E/08/0668 Technically deleted record

The change of use of the premises from a petrol station to a car sales yard.(temp.desc.)

All other history on the site relates to the previous use and is not relevant to the current application.

Planning Officers have been in discussions with the applicant for a number of years and have seen various iterations of proposals but no application has been formally submitted and considered.

POLICY CONSIDERATIONS

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

H9 Dwelling Mix

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The sustainability checklist currently achieves 11% and has a rating of being “fairly detrimental” in sustainability terms. This is significantly below the council’s minimum score of 50%, and is not considered acceptable. Points have not been awarded for the materials section of the checklist as this is incomplete, and there is no evidence that the “secured by design” principles have been adhered to even though these are mentioned in the planning statement. There is a serious lack of evidence and in sustainability terms, the application should be refused as it fails to meet the council’s sustainability policies.

- The sustainability checklist indicates that the development will clearly encourage alternate access to the car however there no evidence of this, therefore points have not been awarded for this criteria.
- The development is not mixed use, therefore it is not considered that the proposal enhances the mixed use character of the area. Points have not been awarded for this category.
- Whilst “secured by design” is mentioned in the Planning Statement, it is not clear how the

criteria has been adhered to, therefore points have not been awarded.

The materials section of the checklist has not been filled in by the applicant, therefore points cannot be awarded for this category.

CONSULTATION

External

Neighbouring occupiers were consulted on 28th April 2010, a Press Notice was published on 6th May 2010 and a Site Notice was posted at the site on 13th May 2010. 20 objections have been received raising the following concerns:

- Dangerous external layout of the building including blind corners and children's play are close to vehicular route.
- The proposed building will obscure the view at the already dangerous double mini roundabout - caused in part by the old-fashioned approach to road safety and controlling pedestrian movement with barriers which leads to people ignoring them and walking along the road while motorists drive as if on a race track.
- Increased parking pressure - proposed parking is insufficient for occupiers and visitors and temporary illegal parking at the roundabout will create serious problems including accidents.
- Resident's have had conversion schemes refused as they cannot provide off-street parking, the same Council Policy should not allow Genesis to build market housing on a car-free basis.
- The parking area may be secluded and hidden from view encouraging crime or access to adjacent gardens.
- Air pollution - the fumes emitted from the workshop wouldn't be an ideal situation, especially so close to a children's play area.
- The site is a key junction location in a well preserved enclave of Victorian Housing while the proposal is an ugly building of poor modern design in a dominating position.
- No further development was proposed for this site, historically it was stables and became a petrol filling station.
- The proposed building is noticeably taller than Kingsley Court - the only other structures which do this are churches, mosques and Victorian schools.
- The choice of Kingsley Court as the building to echo is bizarre - it is unique in design and period. Neither building will complement the other and Kingsley Court is only referenced to seek to justify 6-storeys.
- The proposed brick and wood cladding is objectionable - all surrounding buildings are built with real brick.
- The adjacent semi-detached properties should be considered more in design and in terms of light.
- In terms of the daylight and sunlight report the suggestion that neighbouring windows were not designed to receive high levels of light is unfounded - internal doors of west facing rooms in the adjacent building have fanlights to allow light to the corridor beyond. The adjacent building consists of 2 purpose built flats and the rooms referred to in the daylight report are habitable and should not be dismissed.
- Outlook will be affected as an open area and visible sky will be replaced by a large building.
- The height of the proposed building will destroy privacy in St Paul's Avenue gardens.
- The site is ideal for a sympathetic development, small scale enough to accommodate enough off-street parking and preserve the character of the street.
- The proposed building projects further forward than the St Paul's Avenue frontages harming the vista down the tree lined Avenue.
- More trees are required and there is insufficient space between building and pavement for the solitary proposed tree.
- Front gardens and hedges are key features of the streetscape.
- This is a high density development in an area where services are under pressure from the number of properties in multiple occupation.
- There are insufficient school places.
- Very low water pressure on St Paul's Avenue.
- The impersonal nature of the design and the underpass will attract graffiti to the entire street.

- The 'market housing' section on the application form is filled in contradicting the statement that it is an affordable housing development.
- St Paul's Avenue suffers severe flooding during heavy rain as the main drains are unable to cope - foul water and sewage surcharges back into neighbouring properties. More capacity would be required for a new development.
- The adjacent garage enjoys rights of access across the site, the proposal interferes with this inserting barriers and building across the access above 2-storeys in height. Safety is also an issue in terms of the various users of the site and a Stage 1 Safety Audit has been commissioned
- Any scheme of development should incorporate the garage site.

A neighbouring occupier has instructed their own professional advisor to comment on the daylight and sunlight report which is discussed within the remarks below.

Thames Water - it is the responsibility of the developer to make proper provision for drainage of surface water to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer prior approval from Thames Water is required. With regard to sewerage and water infrastructure Thames Water do not have any objection to the planning application.

Network Rail - Recommended informatives:

Prior to the commencement of any work on site Network Rail must be informed.

Internal

Transportation - The scheme should be resisted in its current form, on the grounds that the proposed access through the site from St. Paul's Avenue, by reason of its restricted width and awkward alignment, would be likely to lead to vehicles reversing and turning sharply in St Paul's Avenue, contrary to Policy TRN14 and the detriment of highway and pedestrian safety. This is discussed in more detail in the body of the report.

Environmental Health - if permission was granted Contaminated Land conditions should be attached requiring an investigation and remediation measures if found to be necessary.

Landscape Officers - Insufficient amenity space, site dominated by hardstanding, further clarification on a number of issues required (discussed within remarks).

REMARKS

As described above the application is for the development of the vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2.

The applicant is Genesis Housing Association and the proposed 20 units are all affordable and are proposed for social renting.

Context

A significant issue which has a direct and obvious impact on the form of the proposal is a Right of Access across this site. Plan no. GHG/813/X11 identifies this existing right of access which belongs to the garage to the north east of the site. As things stand at the moment, the area affected cannot be built upon or treated in anyway which would prevent vehicular access. The areas unaffected are to the south west and to the centre, east and north east of the site. It is this right of access that has effectively determined the form that the proposal takes.

Negotiations between the applicant (Genesis Housing Association) and the garage owner have been taking place for some time, the desired outcome for Genesis being either to buy the right of

access or else exchange an area of the site in return for the garage owner surrendering the right of way. As yet discussions have not led to an agreement and as such the right of access and its restrictions remain.

Representations received on behalf of Willesden Green Garage state that no meaningful attempt has been made by the applicant to engage with the Garage owner regarding this issue, while Genesis suggests the opposite. However at present this is a civil matter and the level of negotiation which has been undertaken is not material to this planning application. Notwithstanding this, officers have consistently indicated that the chances of securing support for a scheme of this scale without resolving the issue of the right of access are minimal and that it does need to be resolved.

Principle of Redevelopment

There is no objection to the principle of developing the site for residential use. It is not considered as local employment land, being a former petrol filling station, and the character of the area is residential with the exception of the adjacent garage site.

The proposal is for 100% affordable housing and would make a contribution to the housing need in the borough providing an acceptable mix of units including family sized maisonettes (5x1-bed, 10x2-bed and 5x3-bed).

Design & Scale

The site is a prominent corner plot at the junction of St Paul's Avenue and Park Avenue, across the junction to the west of the site is the 6-storey and Grade II Listed Kingsley Court and to the south, Victorian or Edwardian mansion blocks of 3 and 4 storeys face onto the junction. These buildings present a strong building line around the junction, each also benefiting from a landscaped set back and green perimeter resulting in the establishment of a clear residential character.

The proposal is for a part 2, 3, 4 and part 6 storey building. The 6-storey element is to the southwest of the plot directly at the junction, the height reflects that of Kingsley Court. Plans show the flat roof level of the proposal would be about 0.4m higher than that of Kingsley Court but this is attributed to a rise in ground level across the junction. This element of the building has a set back from St Pauls Avenue which respects that character described above but this is not continued successfully around the corner onto Park Avenue as the building projects up to approximately 1.5m from the public highway. This, when considered in combination with the proposed height and bulk, is an area of concern and officers are of the opinion that for the scale of the proposed building to be justified a more generous set back must be provided otherwise the result is an overbearing relationship with the public highway.

The height of the building steps down from 6-storeys to 4, 3 and finally 2. To the east of the site the buildings are semi-detached houses in appearance but were originally built as maisonettes. At the point closest to this neighbour the proposed building is 2 and 3 storeys and is lower than their ridge height, the main front building line here reflects that of the bay feature of the neighbouring maisonettes rather than their main wall though the 2-storey element is recessed and officer's are of the opinion that this relationship is acceptable.

The right of access has a significant impact on the St Paul's Avenue elevation. Centrally on this elevation the building line at ground and first floor is set 8m back from the frontage of the site compared to the set back of 4.5m to the eastern part of the site. Furthermore a vehicular access way, 2-storeys in height, is proposed to cut through the building leading from the St Paul's Avenue elevation to the rear. Whilst the floors above are proposed to overhang the set back the result is that the strength of the front building line is seriously undermined. The proposed treatment of the front curtilage of the site further exacerbates this situation; the 22m wide area to the front of the recessed storeys is proposed as 100% hardstanding and there will be no hedging or other

permanent boundary treatment for a stretch of 18.5m. This is not acceptable according to the Council's policies relating to the public realm as a high standard of landscape design is required as an integral element of development schemes to provide a good quality residential development and to enhance the streetscene. This treatment fails to relate to the surrounding established character as described above and results in an incongruous appearance.

Notwithstanding these significant limitations officers consider that the general design and scale of the proposed building could otherwise be justified. The height and design detail relates acceptably to the architecture of Kingsley Court without mimicking the 1930s design. There is some rhythm and consistency with projecting windows and balconies providing some additional interest. Details of the proposed materials (brick and hardwood effect cladding) have been provided in the design and access statement and if the application was to be approved samples of all external materials would be required by condition. While the design predominantly relates to Kingsley Court rather than the other Edwardian/Victorian neighbouring buildings, a red brick is proposed to the lower 2-storeys which would reflect the common use of the material in this streetscene.

Residential Amenity

Standard of Accommodation for Future Residents

All units comply with or exceed the minimum internal floorspace standards of SPG17 and all are dual aspect, however the ground and first floor units affected by the set back in the front elevation rely on north facing windows to their habitable rooms which is not normally supported.

18 of the 20 units have private amenity space mostly with balconies between 6 and 10sqm, flat 5 (2 bed) and flat 9 (1 bed) have no private amenity space. The four ground floor maisonettes/flat each have a private curtilage indicated; in the case of flat 1 (3 bed) this 17sqm designated area fronts directly onto Park Avenue only metres from the junction. According to the UDP 2004's glossary definition of amenity space the first 6m of front garden is treated as landscaping and in the interest of the established streetscene this area should provide a green perimeter but it is also the case that as amenity space its quality is substandard given its proximity to the public highway and traffic. Discounting the front curtilage and side passage to unit 4 none of the unit's comply with SPG17's guidance that ground floor flats should have a minimum of 50sqm amenity space.

According to measurements provided on plans the scheme falls short of the recommended amenity space by approximately 53sqm. The usability of much of the children's play space, given its triangular shape is questioned, and also the proximity of this to the right of access where vehicles associated with the garage use would be entitled to drive and manoeuvre is not favourable.

Impact on Adjoining Occupiers

Across Park Avenue there is a separation distance of a minimum of 26m between Kingsley Court and the elevation of the proposed building. While this is considered to be acceptable if the building line from the St Paul's Avenue elevation was maintained through to Park Avenue this distance would increase to 30m.

The building has been designed to not project beyond the rear principal elevation (building line) of no. 75/75a St Paul's Avenue, there are no windows in the end gable of the front part of this building and therefore there is no direct impact on outlook from this gable. However, the maisonettes do have windows in the West elevation of the outrigger and objections have been received with regard to the potential negative impact of the proposal on the levels of daylight and sunlight that they presently receive.

A *daylight & sunlight report* has been produced by Savills on behalf of the applicant. Only residential properties that face within 90° of due south are taken into account for sunlight analysis,

in this instance therefore sunlight is not a relevant measurement. The measures of Vertical Sky Component (VSC) and Average Daylight Factor (ADF) are relevant.

Independent professional comments on the *daylight & sunlight report* have been made on behalf of the neighbour and they have raised concerns about the assumptions made by Savills about the use of rooms. Some significant losses in VSC and ADF have been recorded but discounted by Savills due to an assumption that certain rooms in the flank wall are non-habitable. The additional information received suggests that this is not the case and rooms now identified as habitable would be detrimentally affected and that consequently a re-evaluation of the technical data is required. Officers are of the opinion that further consideration of the original assessment will be required and at present officers cannot rely upon the findings of the applicants study.

Proposed east facing balconies to the fourth and fifth floors could potentially have an adverse impact on neighbouring privacy, specifically the use of rear gardens on the north side of St Pauls Avenue. Officers are satisfied that screening could satisfactorily mitigate any overlooking, however in the absence of such details this issue is stated as a reason for refusal.

Transportation

As the development is proposed as social housing a 50% reduction in the parking standards set out in PS14 of the UDP 2004 applies, as such about 13 parked cars would be expected to be generated by this development. The proposal involves 9 off street parking spaces, (including 2 disabled), given the lack of available parking along the site frontage due to its location on a mini roundabout and the heavily parked nature of the surrounding streets, the potential overspill would be a concern. The applicant's Transport Statement suggests that a 'car-free' agreement be applied to the development, while the site has a PTAL of 3 and PTAL 4 is usually required for car-free agreements it is at the upper end of the PTAL 3 range and the Council's Highways Officer has no major concerns over a minor relaxation in this instance. Therefore if approval were to be recommended a s106 agreement should include a car-free agreement to prevent future occupant's obtaining parking permits. A s106 agreement has not been completed as part of this current application and therefore the potential increase in demand for on street parking associated with this proposed development forms a reason for refusal.

The disabled parking and cycle storage provision comply with the Council's requirements, as does the location and size of the refuse store.

The proposal involves the widening of the crossover from St Paul's Avenue by 8.5m to a total width of 15m, in relation to the residential use there is no requirement for access for any vehicles other than cars. On this basis Highways officers consider the widening to be unnecessary, it would result in an excessively wide crossover that would be detrimental to pedestrian safety.

The access through the building is awkward in its alignment with St Paul's Avenue and also with the building itself; with insufficient room for 2 cars to pass and poor visibility along its length. This gives concern that vehicles will have to reverse into and out of St Paul's Avenue to pass one another or to make the sharp turn into the site, which is a particular safety concern given the proximity of the existing mini-roundabout.

'Moveable barriers' are proposed to the site frontage and along the vehicle access through the building, however officers do not consider this to be a satisfactory solution and correspondence received from the Garage with the Right of Access suggests that these may infringe the legal agreement in any event.

The entrance and crossover from St Paul's Avenue provides the primary pedestrian entrance to the development and these issues are considered to result in a poor quality and potentially dangerous residential environment.

Landscaping

As discussed above landscape officers are of the opinion that insufficient amenity space is proposed by the proposal. In addition the quality of the proposed landscaping is felt to be inadequate; too much hardsurfacing is provided to the frontage of St Paul's Avenue and more trees should be provided along both St Paul's Avenue and Park Avenue as well as to the rear of the site due to its proximity to a wildlife corridor. The relationship between the car park and the communal amenity space also requires consideration to assist in preventing anti-social behaviour in the car-park.

Servicing

As discussed in the consultation section, comments on the application have been received from Thames Water. Two neighbour's have made objections relating to the capacity of sewers, existing flooding and the additional pressure the development would create. Thames Water do not object to the proposal but provide clear guidance about the necessity for the developer to make provisions for storm flows. Given the comments from Thames Water officer's do not object to the application on this basis but if approval was recommended details of the treatment of surface water and storm flows would be sought by condition.

Conclusion

While the principle of a residential development and its general scale is accepted, the form of proposal is significantly impacted upon by the Right of Access through the site and its impact on design, landscaping, residential environment and highway and pedestrian safety. The assumptions made with regard to daylight and the neighbouring property have also been questioned and will require further attention by the applicant.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) By reason of the proposed set back in the front elevation at ground and first floor and inconsistent building line, the height and bulk of the building, the excessively wide vehicular access and the extent of hardsurfacing, the proposal results in an incongruous, overbearing and unduly prominent development within this streetscene. The proposal fails to relate to the surrounding established character of the immediate area consisting of strong building lines with a green perimeter and the lack of boundary treatment and an integral landscape scheme fails to create a safe and welcoming residential environment for future occupiers. The proposal is contrary to policies BE2, BE3, BE6, BE7 and BE9 of Brent's UDP 2004 and *Supplementary Planning Guidance 17: Design Guide for New Development*.
- (2) By reason of the excessive width of the proposed crossover, the narrow width of the accessway and its awkward alignment with St Paul's Avenue and close proximity to mini-roundabouts the proposal would be detrimental to pedestrian and highway safety. The location of the access way through the residential development and its use by vehicles associated by the neighbouring garage use results in a serious conflict of uses which cannot be mitigated by the temporary barriers proposed. The proposal is contrary to policies BE3, TRN12, TRN14 and TRN15 of Brent's UDP

2004.

- (3) By reason of the amount of amenity space provided, the shape of the children's playspace and its location adjacent to the vehicular accessway the development fails to provide an adequate quantity and quality of amenity space which would be prejudicial to the enjoyment of future occupiers contrary to policy BE6 of Brent's UDP 2004 and *Supplementary Planning Guidance 17: Design Guide for New Development*.
- (4) In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a 'car-free' agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document;- s106 Planning Obligations.
- (5) In the absence of screening the proposed east facing balconies to the fourth and fifth floors would result in an unacceptable impact on the privacy of neighbouring occupiers of St Paul's Avenue, contrary to policy BE9 of Brent's UDP 2004 as well as *Supplementary Planning Guidance 17: Design Guide for New Development*.
- (6) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control".

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

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