

**Committee Report  
Planning Committee on 18 August,  
2010**

**Item No.  
Case No.**

**3/02  
10/1467**

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**RECEIVED:** 11 June, 2010

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 29, 30 & 31 Brook Avenue, Wembley, HA9 8PH

**PROPOSAL:** Demolition of 3 existing dwellinghouses and erection of a part 4-, part 6- and part 7-storey building, comprising 35 flats with private balconies (17 one-bedroom, 14 two-bedroom, 4 three-bedroom), erection of a children's play area to rear, 4 off-street disabled parking spaces to front and associated landscaping to site

**APPLICANT:** Gateway No. 1 LLP

**CONTACT:** Dalton Warner Davis

**PLAN NO'S:**

Plans:

LA300 RevA LA301

LA302 RevA LA002 RevC

LA003 RevD LA004

LA005 LA109 RevC

LA100 RevB LA101 RevB

LA102 RevB LA103 RevA

LA104 RevA LA105 RevA

LA106 RevA LA108 RevA

LA910 RevA LA911 RevA

LA912 RevA LA913 RevA

LA914 RevA LA915 RevA

LA916 RevA LA 917

31BRO/Ex/001

31 BRO/Ex/002

LA950 LA951

LA200 LA201

LA202

Tree Protection Plan 03/08/10

Documents:

Affordability Statement

Arboricultural Report

Specification Landscaping Planting

Design and Access Statement

Daylight Report

Toolkit

Noise Report – NVP

Flood Risk Assessment  
Sustainability Statement  
Preliminary Code for Sustainable Homes  
Energy Statement  
Planning Statement

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## **RECOMMENDATION**

Refuse consent

## **SECTION 106 DETAILS**

Core strategy Policy CP15 requires that before granting planning permission for major proposals, the Council will have to be satisfied that the infrastructure requirements arising from the scheme will be met by the time it is needed. Contributions will be sought from development giving rise to the need for new infrastructure in accordance with the Council's SPD on Planning Obligations.

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) Submission of a post completion viability assessment and if this demonstrates that it is viable, this will ensure that up to 50% of the scheme is provided as "Affordable Housing." The exact tenure and numbers of affordable units to be provided to be agreed prior to first occupation
- (c) A contribution £144,000 (£3,000 per additional private bedroom less the 9 existing bedrooms), due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3 plus additional measures, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol. (The applicants have indicated that they may be able to provide additional sustainability measures on top of Code for Sustainable Homes 3, which is considered necessary.)
- (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) Car-free (residents will not be entitled to permits should a CPZ be introduced in the future)
- (g) 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 by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## EXISTING

The application site (0.164 hectare) is situated on the southern side of Brook Avenue approximately 50m from the junction with Bridge Road. The site is within Wembley Growth Area within Brent's Core Strategy 2010. Ground levels drop within the site towards the rear boundary which abuts Wealdstone Brook. Wealdstone Brook is designated as a Site of Borough (Grade II) Nature Conservation Importance, Site of Local Nature Conservation Importance and Wildlife Corridors.

The site currently contains three, two storey residential dwellinghouses, 32 Brook Avenue has a lower ground floor creating a 3 storey development to the rear. To the north of the site on the opposite side of Brook Avenue is the Wembley Park station and car park. The southern side of Brook Avenue is mainly characterised by two storey residential properties however the eastern end of Brook Avenue is the site of the ten-storey Premier Inn hotel. Immediately to the east of the site, there has been a recent approval for a block of flats ranging in height from 5 to 10 storeys.

## PROPOSAL

Demolition of 3 existing dwellinghouses and erection of a part 4-, part 6- and part 7-storey building, comprising 35 flats with private balconies (17 one-bedroom, 14 two-bedroom, 4 three-bedroom), erection of a children's play area to rear, 4 off-street disabled parking spaces to front and associated landscaping to site

## HISTORY

The following planning history is most relevant to the proposal:

### **No. 29, 30 & 31 Brook Avenue**

24/10/1974 Residential development of 80 rooms to the acre – Approved (Ref: E69478556).

19/04/1973 Residential development of 120 rooms to the acre – Refused (Ref: E1790 5119) and an appeal lodged against the refusal was withdrawn on 18/12/1975.

21/06/1974 Residential development of 75-80 rooms to the acre – Approved (Ref: E3481 6173).

19/04/2007 - Demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall (as accompanied by Planning Statement CL10836/01, January 2007, produced by Nathaniel Litchfield and Partners, Design and Access Statement F250/DS001, Revision: 0, January 2007, produced by Arc 7 Design, and Sustainable Development Checklist) (as amended by revised plans and information received on 08/03/2007 and 09/03/2007) Granted (Ref: 07/0158)

11/06/2010 – Extension to time limit of planning permission 07/0158, dated 18/04/2007, for demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower

ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall Planning Act 1990 and subject to a Deed of Agreement dated 11 June 2010 under Section 106 of the Town and Country, as amended. Approved (Ref: 10/0601)

### **No. 29 Brook Avenue**

23/05/2001 Erection of a 2-storey side and part 2-storey, part single-storey rear extension and construction of rear dormer – Approved (Ref: 01/0254).

## **POLICY CONSIDERATIONS**

### **PPG24 – Planning and Noise**

#### **Unitary Development Plan 2004**

**BE1**- requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

**BE2** - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

**BE3** - relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

**BE4** - states that developments shall include suitable access for people with disabilities.

**BE5** - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

**BE6** - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

**BE7** – A high quality of design and materials will be required.

**BE9** - Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality materials.

**BE12** - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

**EP2** - Noise & Vibration -noise generating development will be permitted unless it would create noise above acceptable levels

**EP3** - requires developments within Air Quality Management Areas to support the achievement of

## National Air Quality Objectives.

**H11** - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

**H12** - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking, where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

**H13** - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

**H14** - States that planning permission will be refused where development would under-utilise a site.

**H15** - States that the density and height of any buildings should be subsidiary to the street fronting development.

## **TRN2** – Development should benefit the Public Transport network

**TRN3** - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

- (a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or
- (b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or
- (c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or
- (d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or
- (e) The proposals would produce unacceptable road safety problems; and/or
- (f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or
- (g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

**TRN11** - Developments shall comply with the Council's minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

## **TRN10** – Walkable Environments

**TRN15**- Forming an access onto a road

**TRN23** - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

**TRN34** – Servicing in New Development

**TRN35** - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

**CF6** – School Places

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

CP2 – Population

CP5- Placemaking

CP6- Design and Density in Placemaking.

CP7 – Wembley Growth area

CP15 – Infrastructure to Support Development

CP17 – Protecting and Enhancing the Suburban Character of Brent

CP18 – Protection and Enhancement of open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

### **Mayor of London**

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

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

**Supplementary Planning Guidance(SPG) 17** - "Design Guide for New Developments".

**Supplementary Planning Guidance(SPG) 19** - "Sustainable Design, Construction & Pollution Control".

**Supplementary Planning Document** - S106 Planning Obligations

### **SUSTAINABILITY ASSESSMENT**

The site lies within Wembley Growth Area, and as a major development, Core Strategy Policy CP19 requires the development to achieve Code for Sustainable Homes level 4 unless the scheme feasibility shows that this is not possible. The applicants have submitted viability assessments and now seek Code for Sustainable Homes Level 3 within Energy Strategy v3. This will be achieved through the s106 legal agreement. Your officers are keen to ensure that within a Growth area, sustainability measures are maximised. The applicants have been asked to provide a Code for Sustainable Homes Pre-assessment and to propose additional measures on top of Code for Sustainable Homes 3.

The applicants have set out within their Energy Strategy ways that they intend to save energy within the development, such as efficient lighting systems in accordance with London Plan requirements. The applicants have considered combined heat and power units, but do not consider this appropriate for the number of units proposed, which is accepted by officers.

In order to achieve CO2 savings on site the applicants propose to use a mix of air source heat pumps and photovoltaic panels, which they identify will lead to CO2 reductions of 20.1% in accordance with London Plan requirements. The applicants propose to use NIBE Fighter exhaust air heat pumps within each dwelling, recovering heat from waste air in bathrooms and kitchens and upgrading this into a wet heating system. These have co-efficient of performance in excess of 2.5, (with an annual average of 2.6,) and therefore result in CO2 savings.

The applicants confirm that they will sign up to the Demolition Protocol and will achieve a Sustainability Checklist TP6 score of 50.5%, which is above the minimum 50% score.

## **CONSULTATION**

The consultation process included notification letters sent on 17/06/10 170 residents, 4 members, Transportation, Landscape Design, Urban Design, Environmental Health, Thames Water and Crime Prevention adviser. A press notice has been published on 24/06/10, and site notices erected on 23/06/10. The following comments have been received:

1 letter of objection received raising concerns about congestion and parking demand associated with the development of 35 flats

**Environmental Health** – no objections subject to conditions regarding glazing and ventilation is installed in accordance with the recommendations in the acoustic report and post-completion testing is conducted in 10% of the affected properties prior to occupation, conditions relating to contamination and remediation are required, as is a construction method statement, as the site is within an AQMA

**Landscape Designer** - The landscape scheme should be of high quality. Raises objection to the quality of the scheme proposed, requiring details to demonstrate the quality of the proposal for amenity, play, planting, and boundary treatments. There is poor disabled access to the rear amenity area, particularly for disabled people. (Officer note, this has been improved during the course of the application.) An ecology report should be submitted as the site borders a river and a Japanese Knot weed eradication plan is necessary. The tree survey appears incomplete. The front landscape plan has a predominance of hard landscaping, a minimum of 4 trees should be provided. (Officer note - Revised plans have been received during the application but the front garden would benefit from increased soft landscaping.)

## **Highways Engineer**

Transportation raises objections, the proposal will require up to 40 parking spaces. However only 4 disabled parking spaces are proposed. There will be a demand for 30 spaces within the region of the site, which outweighs the parking available to the site. The applicant's Car-free approach cannot be currently implemented as there is no CPZ in order to restrict permits for future residents. It is noted that this permit-free approach was used at 32-34 Brook Avenue. Monies towards a car club in the area should also be provided. Any cross-overs made redundant as a result of this application should be reinstated at the developer's expense. Object to the width of the revised cross-over.

## **Environment Agency**

No objections subject to conditions that the development is undertaken strictly in accordance with the submitted FRA.

**Natural England**- recommend an ecological statement be provided, and any new lights' direction within the vicinity of Wealdstone Brook are controlled

## **REMARKS**

### **Proposed residential uses/ mix of units**

The principle of new residential development in this area is accepted and conforms with planning policy guidelines. This application proposes to demolish the existing houses and erect a 3-7 storey building incorporating a lower-ground floor/basement level.

The applicants have confirmed that 100% of the units meet Lifetime Homes standard. Furthermore, the applicants have demonstrated 4 adaptable units within the development. The proposal incorporates 35 units and therefore the 4 units represent 10% wheelchair accessible units in line with London Plan requirements.

No affordable units are proposed in the original submission. The applicants propose an entirely private scheme. This is not in accordance with London Plan requirements for a mixed housing tenure. Policy 3A.9 specifically sets out a strategic target of 50% affordable is required. This also fails to comply with Brent's Core Strategy Policies CP2 and CP21 that state that the borough will aim to achieve the London Plan target that 50% of new homes should be affordable. However the applicants have submitted a Toolkit that they believe reinforces their position from a viability perspective. This has been revised during the course of the application.

This proposal to provide 35 flats, involving the demolition of 3 houses, incurs a potential affordable housing obligation as it is well over the 10 homes threshold. The actual extent of any affordable housing provision is determined by a viability test to ensure the 'maximum reasonable amount' of affordable housing, which will not prevent the implementation of an otherwise satisfactory new housing development.

The applicant submitted a viability assessment based on the GLA Affordable Housing Toolkit, which contained a number of operational errors and information which Officers considered needed to be substantiated. A revised Toolkit did not satisfy all of the Officers concerns, while a further third toolkit has been submitted too late to enable proper evaluation before the preparation of this Report.

The GLA Affordable Housing Toolkit essentially operates by assessing the proposed scheme development costs (including a reasonable developer's profit margin) and the expected housing sales income (including any available affordable housing grant.) The difference between these two totals should be sufficient to allow for the purchase of the site at a price, which will encourage the land owner to sell, which should enable affordable housing provision.

A particular problem in employing the Toolkit methodology arises in the case of a site, such as 29 -31 Brook Ave, where the land owner and the prospective developer are the same. This problem is further exacerbated by the fact that the existing 3 houses were purchased in 2006/07 and appear themselves to offer a viable return without any development. Thereby, raising questions as to the justification of the applicant's off-setting the original purchase financing cost against the implementation of their proposed development.

Officers have questioned the justification of the applicant's building cost estimates but have not been able to commission an expert verification of these because of time and budgetary constraints. The applicant has justified their anticipated housing sales values with reference to a local estate agent's valuations. However, as these are based on past sales, they may not be applicable by the estimated scheme completion time.

In conclusion, Officers are not satisfied, on the basis of the available information, that this proposal cannot viably generate any affordable housing contribution. Officers consider that the applicant should, at least, recognise the possibility of a substantial rise in housing sales valuations, by the estimated scheme completion time in several years, by agreeing to a post completion viability assessment. This could provide a potential 'commuted payment' affordable housing contribution if



the scheme income has risen significantly above the current estimate. This proposal, would be secured through a Planning Obligation Agreement (S106), is conditional on all other aspects of the proposed scheme representing a satisfactory housing development.

The applicants also seek a 5 year consent within the Planning Statement accompanying the application. Given the viability issues raised by the applicant it is not considered appropriate to issue a longer consent than 3 years, to allow review at that time on the basis of the likely revised circumstances. Alternatively an overage clause may be required, similar for that mentioned for affordable housing, but not limited to the provision of affordable housing.

### **Design of Buildings, Impact on the Street scene**

The proposed building has a block form that is stepped up towards the eastern end of the site adjoining 32-34 Brook Avenue. The massing is articulated on all elevations through the use of different materials (brick, render and glazing,) and windows are provided on all elevations that further help to break-up the massing in addition to projecting balconies. Varied projections of the building provide shadow lines which also articulate across the building.

In line with guidelines within SPG17 the main entrance to the residential units is from the front of the development. As revised, the proposal provides access to the rear garden from the building's core allowing disabled access to the rear garden. The revisions to the front landscaping during the course of the application seek to introduce further soft landscaping to the frontage. However, there is still a predominance of hard surfacing, which the Council's Landscape Designers would seek to be broken up with further planting including the incorporation of 4 trees. Furthermore, the parking layout would result in a dropped kerb with an excessive width, which is not supported by the Highway Engineers.

Within the current application, the semi-detached dwelling 29 Brook Avenue is to be removed, and 28 Brook Avenue is to be retained as a detached 2-storey dwelling. A 3m wide landscaped buffer is proposed between the new development and the retained 28 Brook Avenue. The proposal incorporates a 4 storey building on this western side of the site, which with a lower-ground floor plan reaches up to 5 storeys to the rear. It is notable that the fourth floor of the building is set-back from the building's frontage to reduce the scale of the development adjoining number 28 from the streetscene.

The following history is relevant to the application. The application site has recently renewed approval for a 3-4storey development containing 13 flats under application 07/0158 and renewed 10/0601. The adjacent site 32-34 Brook Avenue has an approval (ref: 09/2571) for a 5-10 storey development and minded to grant outline application 07/2145 for 3 to 8 storey building.

Application 09/2571 on 32-34 Brook Avenue approved a development that ranges from 5 to 10 storeys. This was in part justified as the current application site 29-31 Brook Avenue has extant planning permission for a 3-4 storey building, and therefore the adjoining development would not necessarily be visible alongside a 2-storey development. The planning history demonstrates that both on the site itself and adjoining site, the principle of in-depth development has been accepted. In addition, proposals of large scale massing have previously been found acceptable in this part of the streetscene. In this context, on balance officers consider that the proposed building will relate satisfactorily to the local streetscene.

### **Impact on neighbouring occupiers**

#### **Massing**

Policy CP6 requires that the interface between higher density developments in growth areas and other areas and lower density surroundings be respected and take account of the suburban scale of adjoining development.

The proposal has a stepped rearward projection, but only provides a separation of 3m between the proposed 4-5 storey building on the western edge of the site and the adjacent retained dwelling, number 28 Brook Avenue. This gap provides the main access to the rear garden area by future occupants. It is unlikely to be large enough to enable tree planting, unlike the 5m gap separating the recently approved scheme on 32-34 Brook Avenue from the site. Only a gap of 1m is provided between the site and 32-34 Brook Avenue although this is reduced by the roof that has an overhanging roof parapet up to the eastern boundary.

The current application on site provides a larger gap between the proposed building and the adjoining building number 28 than that previously approved under application 07/2145 increasing the separation from 1.5m to 3m. The applicants seek to demonstrate through revised plans and elevations that this gap and the rear built-form provides a better relationship than that previously approved under 07/0158 and renewed under 10/0601. However, the site plan comparison drawing LA004 appears to misrepresent the extent of the approved scheme under application 07/0158.

The current proposal results in a building that projects 3m away from the side boundary, 3m to the rear of number 28, plus balconies with associated privacy screens that will appear as a total depth of 4.5m, with a height 11.8m at the front and 15.8m to the rear, (as the ground levels fall away.) The previously approved scheme originally permitted under 07/0158 projects 2.5m incorporating a balcony, to the rear of 28 Brook Avenue, 1.5m away from the boundary at a front height of 8.35m and rear height of 11.1m to the pitch of the roof.

The applicant argues that the current scheme although higher and larger than the previously approved scheme has a better relationship to the neighbouring dwelling at 28 Brook Avenue. While the current proposal does leave a larger gap between 28 Brook Avenue and the new building than that previously approved, its greater height and depth is considered to result in a significantly worse relationship. The proposal will therefore result in a building up to 5 storeys high (4 storeys from the front,) projecting 4.5m to the rear of the neighbouring dwelling only 3m from the boundary. This relationship is considered to be harmful to the amenities of adjoining occupiers. Further away from the boundary, the proposed building on site projects up to 16m to the rear of 28 Brook Avenue and reaches up to 7 storeys high.

The adjacent site 32-34 Brook Avenue has an approval 09/2571 is separated from the application site by 5m, and the in-depth development ranges from between 8.8m and 10.8m from the western side boundary with lower development. This was in part justified as the adjacent site is next to the existing higher rise form of the hotel, to the east which is itself orientated onto Bridge Road and maintains a separation distance of some 30m. This application was preceded by outline minded to grant consent for a 4 to 8 storey development 07/2145, which was 1.5m from the application site and the in-depth rear development was 21m from the adjoining site.

The adjacent development was judged to be acceptable to the application site as a 5m wide buffer provided a more spacious setting to the large new-build, particularly when compared with a proposal previously approved on the adjoining site as application 07/2145 only separated from the application site by 1.5m. The larger 5m setting was considered an improvement upon the previous application.

### **Daylight**

The applicants seek to show on the site comparison drawing that despite the increase in height in the current application on site, the daylight zone to the front and rear of the retained dwelling number 28 Brook Avenue represents an improvement on the scheme previously approved. However, this drawing does not accurately show the extent of the building approved under application 07/0158, and therefore the proposal does not demonstrate that it will relate satisfactorily to the amenities of the adjoining occupiers in terms of daylight and outlook of the adjoining occupiers.

The applicants have submitted drawings that demonstrate that the impacts of the proposal on surrounding development between winter and summer solstice. This shows that there will be times in the day when the development will affect adjoining buildings but the development's predominant impact will fall upon the carriageway Brook Avenue.

## **Quality of residential accommodation**

### **Internal spaces**

The proposed 35 self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17 "Design Guide for New Development," based on the number of people that each unit is stated to be designed for. There is stacking of habitable and non-habitable rooms within the development, but as the building will be purpose-built, noise insulation to meet building regulations is likely to be sufficient to prevent noise disturbance between floors. The submitted Noise report sets out that appropriate noise levels are achievable within the building.

Officers have previously raised concerns with the outlook and daylight received by future residents. The applicants have submitted a Daylight Report. This assesses the proposed basement windows in relation to both the Vertical Sky Component and Average Daylight Factor. This is important as the development relies on light wells to the front, which are only 2.5m deep. The Daylight report finds that all of the basement rooms exceed BRE Report guidelines in relation to Average Daylight Factor, which is a harder test. This considers all rooms with windows onto light wells and Appendix A also considers the dual aspect living room/ kitchen that serves flat 3. The report demonstrates that all of the basement rooms receive a reasonable level of sunlight.

However the front 2.5m deep light well to bedrooms within flat 1 provide a foreshortened outlook than that usually sought through SPG17, which seeks outlook of 10m for habitable rooms. The applicants state that it is only bedrooms that are affected. Bedrooms are considered habitable rooms, within Brent's Unitary Development Plan so the proposal does not provide a good standard of outlook for the occupiers of this flat. The living room for flat 1 has an outlook to the rear, and is the only window within this flat that does not rely on the lightwell. The outlook to the rear is also restricted, between a 3.6m high retaining wall immediately to the west and a 5 storey building immediately to the east. The window is also directly under a balcony and therefore provides a poor level of outlook for future occupiers contrary to policy BE9 of Brent's Unitary Development Plan.

There are 13 flats that have an outlook onto a courtyard/ recess towards the eastern end of the site. The courtyard is only 3.2m wide. The Daylight report demonstrates that basement flats with this layout achieve adequate levels of daylight. As these are likely to be the rooms with the worse affected outlook, then all higher floors windows may be considered to comply with Average Daylight Factor. At ground floor and above, the 6 rearmost flats have north-facing kitchen onto the building recess. These windows are supplemented by a larger window serving the linked living room to the rear. The kitchen windows are considered secondary windows to the room, and therefore a reduced outlook to these windows may be accepted.

However, the 6 front eastern flats on ground to sixth floor that have an outlook onto this recess/ courtyard have been designed with south-easterly corner windows. These are only set 1m from the side boundary and rely on an oblique outlook across the adjacent site 32-34 Brook Avenue. This provides a poor outlook to future occupiers. SPG17 guides that flank wall habitable room windows should be at least 5m from side boundaries. The proposal falls short of this guideline. Furthermore, the window would only be set 1m from the side of the existing property, number 32 Brook Avenue, 2.5m from the side wall of the development on the adjoining site if application 07/2145 were to be approved, or 6m from the adjoining site if application 09/2571 were to be implemented. It should be noted that the rear block approved under 09/2571 on 32-34 Brook Avenue contains habitable room

windows, and the proposed corner windows on site would be less than 20m from the adjoining habitable room windows and accordingly do not achieve the 20m separation distance guided within SPG17, causing harm to future amenities.

The applicants do not show how the privacy of flats adjoining communal areas may be safeguarded at ground floor and basement. These details could be considered as a condition of any approval as the applicants have demonstrated that there is space to achieve a degree of planting separation or the erection of a barrier.

### **External amenity space/ playspace**

All flats have access to private balconies, which range in size, but as a minimum are 3.75sqm. Generally officers seek balconies sized between 6-10sqm. However, there is an additional elevated roof garden of approximately 40sqm on the fourth floor, which is accessible to all occupiers and if appropriately detailed, will act as a reasonable facility.

Core Strategy Policy CP5 requires that playspace be provided with all major housing schemes. Applying the Mayor's SPG on playspace methodology, the scheme could accommodate children requiring 30sqm playspace. The applicants have shown an indicative area on site, but this would need to be fully detailed in order to provide an appropriate play area.

There will be an extensive landscaped area to the rear of the development including an 8m buffer where no development is to be sited. The amenity area is to be planted with species including native plants and shrubs, which is anticipated to enhance nature opportunities on site. Parts of the garden area on site are currently overgrown, but this area could be cleared at any time, and does not benefit from any statutory protection. The close proximity to the Brook means that the presence of bats may be considered, and therefore the Local Planning Authority will condition that future details of external lights direction be submitted to ensure that the quality of the brook is safeguarded. The main rear amenity area is in excess of 588sqm. This will provide at least 16sqm of amenity space per unit in addition to the elevated amenity areas. It is considered that the space is sufficient to provide a quality external amenity area adjoining the Wealdstone Brook if appropriately detailed.

The Council's Landscape designer has identified the presence of Japanese knotweed. The removal of this is carefully controlled and accordingly this needs to be approved as a condition to ensure that the removal is appropriately undertaken.

Officers are currently considering the front garden layout, and seeking revisions to the soft landscaping and parking areas in order to ensure that the development is appropriately assimilated into its surroundings, and opportunities to create an attractive frontage are maximised.

### **Noise**

The applicants have submitted an Acoustic report. This assesses the site as a category B to C location in accordance with PPG24, with the most significant noise arising from traffic using Brook Avenue, but also from the railway line to the north-east. The assessment concludes that with appropriate acoustic ventilation and glazing appropriate internal noise levels can be achieved by the development. This shall form a condition of any approval.

### **Parking and Servicing**

The scheme is proposed to be a car-free development with 4 spaces provided for disabled residents off-street. This is considered appropriate within this context due to the location of the site, less than 100m from Wembley Park Station, which has both Jubilee line and Metropolitan line trains and local buses outside the station. As a result of these transport links, the site has a PTAL rating of 4. In such accessible locations, car usage should be discouraged and a car-free development is therefore welcomed by officers.

However Transportation Engineers have objected to the proposal due to the lack of controlled parking zones within the area. Whilst the objection is recognised, it should be noted that this approach has been adopted for the adjoining site, 32-34 Brook Avenue under application 09/2571. The objection from Transportation has been partly resolved through the applicants commitment to enter into an agreement preventing occupants from accessing parking permits provided such controls are introduced prior to occupation.

Should such controls not come into force prior to occupation however, the fallback position of having no parking controls is also considered acceptable by officers despite third party concerns. This is due to current off-street parking arrangements in Brook Avenue being considered adequate to support parking needs for existing residents. Existing properties along Brook Avenue largely benefit from off-street parking through driveways, forecourts and garages. Furthermore parking opportunities in Brook Avenue are minimal during the day with a mix of single yellow lines and only a limited amount of on-street parking in marked bays discouraging residents living in the building from high levels of car-ownership. In addition, the nearest parkable roads are considered to be of sufficient distance from the site to prevent their regular use by future car-owning residents.

The front garden layout as revised is not acceptable to officers as it results in an excessively wide crossover, at least 8m in width, when usually a maximum of 4.2m is permissible in order to prevent harm to highway and pedestrian safety.

### **Flood Risk**

The site is within Flood Zones 1 2 and 3. The submitted flood risk assessment (FRA) demonstrates that the entire development is achievable in land within flood zone 1. This means that there is no need to consider a sequential or exception test. The finished floor levels will be set above the 100-year flood level taking account of climate change. The Environment Agency has assessed the proposal and they confirm that subject to compliance with the FRA which considers drainage and flood risk, the proposal is considered satisfactory. Compliance with the flood risk assessment would be a condition of any approval.

### **Density**

Unitary Development Plan policies relevant to density include BE3, BE11 and H13, these are updated by Policy CP6 of Brent's Core Strategy. These policies are reinforced by Policy 3A.3 of the London Plan as consolidated with alterations since 2004 that sets out an indicative density matrix, taking into account the "setting" and PTAL rating of a site. The proposal is sited within an urban area with PTAL 4. The area traditionally had a suburban context. However this part of Brook Avenue is within Wembley Growth Area. The proposed density of the development equates to 213 units per hectare within the London Plan tolerances (55-225u/ha;) and 560 habitable rooms per hectare, which is also within the tolerances normally permitted within the London Plan (200 – 700 hr/ha.) The site near major transport interchanges and is envisaged to be subject to change in the future. However, the rear parts of the site are within a flood risk zone, adjoining the Wealdstone Brook and this in turn will reduce the appropriate level of new development densities on site.

### **Other matters**

Environmental Health officers have found traces of contamination within the locality including elevated levels of PAHs, which warrant soil remediation. As such, remediation and clean-up should be conditioned prior to occupation. The site is within an Air Quality Management Area and as such, a Construction method statement with regard to dust control is required by Environmental Health. This may also be considered as a condition.

### **Conclusion**

Overall the development is considered harmful to neighbouring occupiers and the occupiers of the development itself. Officers also have concerns that no affordable housing is to be provided on site. The development cannot be supported for the reasons set out in the report above.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The proposed development by reason of its siting, depth of building and height will result in an overbearing relationship to 28 Brook Avenue harmful to the outlook of habitable room windows and external amenities of neighbouring occupiers and contrary to Policy BE9 of Brent's Unitary Development Plan 2004, Brent's Core Strategy and Supplementary Planning Guidance 17 'Design Guide for New Development'.
- (2) The proposal would result in a substandard form of accommodation detrimental to the amenities of future occupiers by reasons of the poor outlook of flat 1 due to its reliance on a lightwell to the front and the restricted outlook to the rear and the poor outlook of flats 7, 12, 18, 24, 28, and 32 all of which have habitable rooms reliant on outlook over an adjoining site less than 1 metre away. As such the application is contrary to Brent's Unitary Development Plan policies BE2, BE9, Brent's Core Strategy and Supplementary Planning Guidance 17 'Design Guide for New Development'.
- (3) The proposed vehicular access due to its wide kerb radii would result in an excessively wide section of Brook Avenue lacking in pedestrian footway, as a result this will result in conditions harmful to pedestrian and highway safety, and this is contrary to policies TRN3, TRN10, TRN15 and TRN34 of the adopted Brent Unitary Development Plan 2004 and Brent's Core Strategy 2010.
- (4) The proposed development does not provide or justify its failure to provide sufficient affordable housing on site nor does it provide a mechanism to review the viability of the scheme at the time of completion and in the absence of a legal agreement to control the matter is contrary to Policy 3A.11 of the London Plan 2008 CP2, CP21 of Brent's Core Strategy and Policy STR20 of Brent's Unitary Development Plan 2004.
- (5) In the absence of a legal agreement to control the matter, the proposed development has failed to achieve and employ sustainable design principles and without sufficient evidence to support the application, the proposed residential development will not contribute towards energy conservation, air quality and sustainable construction, and would significantly impact the natural and social environment, contrary to policies STR3 and BE12 of Brent's Unitary Development Plan 2004, Policy CP19 of Brent's Core Strategy and Supplementary Planning Guidance No. 19: "Sustainable Design, Construction & Pollution Control".
- (6) 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, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policies EP3, TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004, Policy CP15 of Brent's Core Strategy and the adopted S106 Planning Obligations Supplementary Planning Document.

- (7) In the absence of a legal agreement to ensure that future residents are not eligible for on-street parking permits, the development would result in additional pressure on on-street parking that would prejudice the free flow of traffic and conditions of safety along the neighbouring highway. As a result, the proposal is contrary to policies TRN3 and TRN23 of Brent's adopted Unitary Development Plan 2004.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004

Brent's Core Strategy 2010

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

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

Supplementary Planning Guidance(SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance(SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

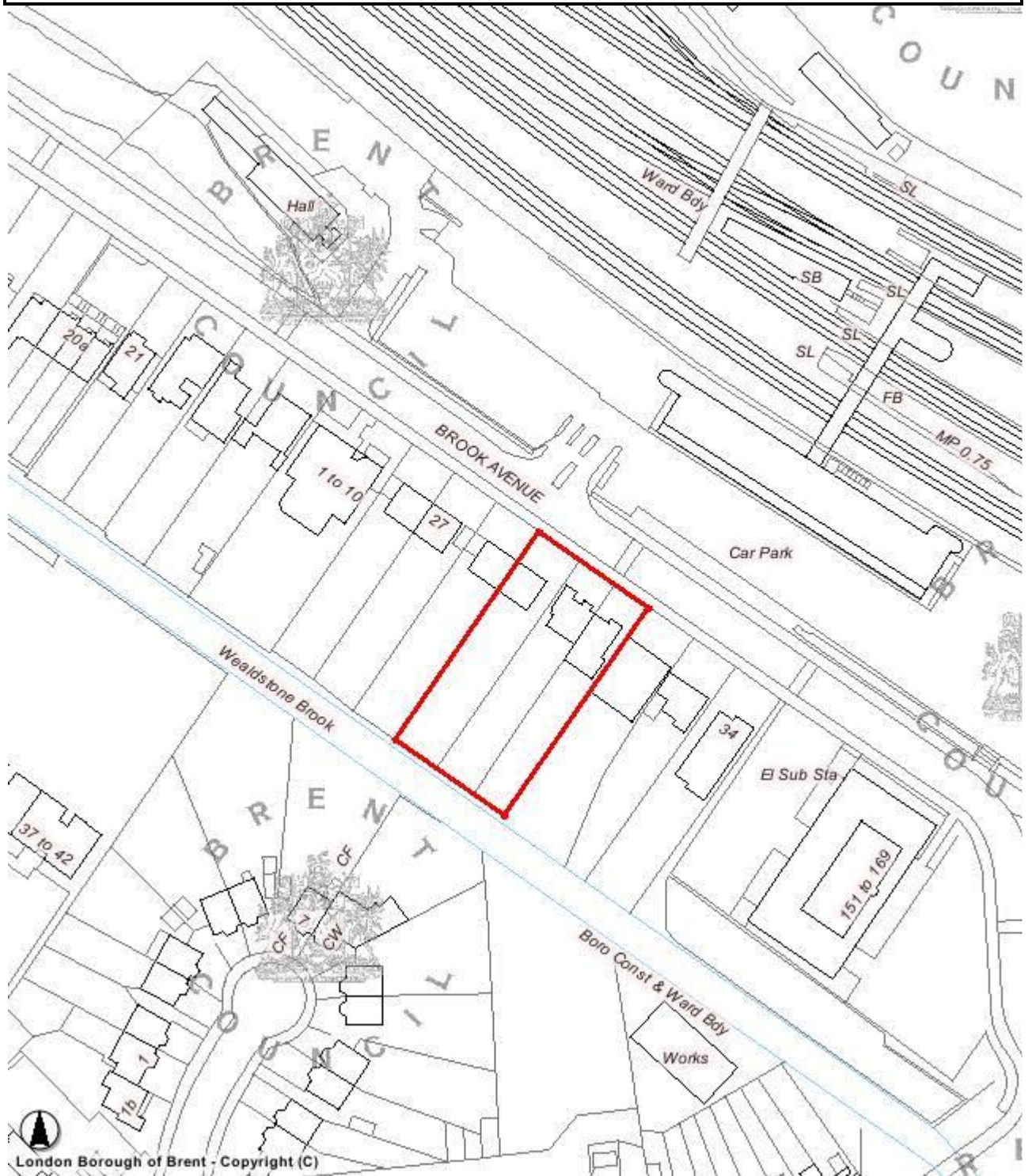
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



## Planning Committee Map

Site address: 29, 30 & 31 Brook Avenue, Wembley, HA9 8PH

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