

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 March, 2017
07
16/5103

SITE INFORMATION

RECEIVED	25 November, 2016
WARD	Alperton
PLANNING AREA	Brent Connects Wembley
LOCATION	Garages, Atherton Heights, Wembley
PROPOSAL	Demolition of existing 15 garages and erection of 18 pre-fabricated garages (for parking/storage purposes) and retention of 2 existing garages (for parking/storage purposes)
APPLICANT	Mrs Brenda Dunsford
CONTACT	Mr Matthew Dunsford
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_131382</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "16/5103" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission.
2. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time Limit (3 Years)
2. Approved drawings / documents
3. Garages only used for the parking of vehicles and/or storage
4. Garages must remain internally separated
5. Materials – supply details
6. Approval of Construction and Demolition Method Statement
7. To notify Council if land contamination is identified and to carry out remediation

Informatives

1. CIL Liability
 2. Photographic survey of highway prior to works
 3. Asbestos
 4. Building near boundary
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3. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
 4. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP



Planning Committee Map

Site address: Garages, Atherton Heights, Wembley

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This map is indicative only.

EXISTING

The application site comprises a garage site located off Atherton Heights. It is not located within a conservation area nor is it a listed building.

SUMMARY OF KEY ISSUES

The key issues for consideration are as follows

1. Principle of the proposed development: Given the lack of an active use and current dilapidation of the garages, it is considered that the replacement of the garage structures with new similar garages is acceptable. The new build garages would be in better condition and have slightly larger dimensions which would mean they are more likely to be able to serve an active purpose. The proposed use of the garages for parking and/or storage is acceptable and is likely to have reflected the most recent lawful use of the existing garages.
2. Highway flow, safety and parking: The layout of the garages and accesses is acceptable, allowing sufficient space to manoeuvre. The applicant has clarified that the residents of Atherton Heights have no legal right to park within the garages site. The applicant has specified that the garages will be first offered to the residents of Atherton Heights, but that they are not necessarily proposed to be ancillary to the residential units within Atherton Heights and they may be used by others. As the Atherton Heights residents do not have legal rights to use the garages or park within the application site, the proposal does not result in a net loss of parking. The potential use of the garages by those who do not live at Atherton Heights is not considered likely to result in levels of congestion or parking that would be detrimental to highway flow or safety.
3. The visual appearance of the development: Given the size and siting of the proposed garages, it is considered that the proposal will have an acceptable impact on the visual character of the area and will not result in a significantly different local character.
4. Impact on neighbouring amenity: Given the size and siting of the proposed garages, it is not considered that the proposal will have a detrimental impact on the visual amenities of nearby occupiers.

Five representations were received from those consulted, all objecting to the proposal. These objections are discussed later in this report.

MONITORING

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

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Sui generis	225	31	194	284	90

RELEVANT SITE HISTORY

Two applications were previously submitted for the residential redevelopment of the garages site. The first was withdrawn and the second refused, appealed and the appeal dismissed. The second scheme proposed the construction of a block of three flats, and the reconfiguration of the highway and the southern half of the garage court to provide a total of 23 parking spaces. The proposal was refused due to the design and appearance of the proposed block of flats, the impact on the amenities of the Atherton Heights caused by the proposed building and the loss of landscaping and provision of parking in front of some windows (adjacent to the adopted highway) and due to the configuration of the car park which was not considered to provide safe access for pedestrians and service/emergency vehicles. The appeal was dismissed, only due to the highway safety concerns and the impact on the living conditions of Nos. 22-2 Atherton Heights due to the loss of the landscaping and provision of parking.

14/3110: Demolition of 21no garages and erection of a 3 storey building comprising 3 x 3bed self-contained flats with associated parking, cycle storage and bin stores – Refused.

13/2287: Full Planning Permission of demolition of 17no garages and erection of a 3 storey building comprising 3 x 2bed and 3 x 1bed flats with associated parking, cycle storage and bin stores - Withdrawn, 14/04/2014.

CONSULTATIONS

The owner/occupiers of 66 nearby properties were notified of the application by letters dated 8 December 2016.

Five representations were received by those consulted. The representations were all of an objection nature. Objections were made on the following grounds:

Objection	Response
The garages have been sold to the current owners without notice being given to the leaseholders.	<p>This concern is not a material planning consideration. Whilst not necessarily lawful or acceptable, the objection raised relates to a legal issue which would not fall within the remit of planning control and would require resolution through the courts.</p> <p>Planning control only relates to the acceptability of development within the built environment in terms of visual impact, sustainability and social and environmental impacts of such developments. As such, the assessment of this application can pay mind to whether the proposed replacement garage structures are appropriate and whether the proposed uses of these garage structures will have an acceptable impact on the surroundings. The assessment cannot take into account specific ownership situations, revenue streams and unrelated legal matters.</p>
Attempts have been made to enforce private parking restrictions on the public highway (Atherton Heights) and unlawful parking tickets	<p>This is not a material planning consideration. Please see response above.</p>

have been issued to the residents of Atherton Heights. This restricts parking availability for residents.	This issue is within the remit of Brent's transportation team and a resolution should be sought from this department.
The proposal to sell/lease the garages to the existing leaseholders and tenants results in a conflict of interest. Many of the owners/residents have not been given enough information about the sale of the garages.	This is not a material planning consideration. Please see response to the first point of objection.
The sale of the garages to non-residents will result in more traffic at Atherton Heights from non-residents accessing their garage. This will require alternative parking arrangements for the residents.	The uplift in traffic and vehicle usage has been considered by Brent's highways team. Further information is contained within paragraphs 5.1 - 5.5 below.
The increased number of non-residents using this area raises security concerns and increases the likelihood of break-ins. The need for increased security measures would be an expense for the landlord, or an expense passed onto the residents.	It is not considered that the proposal will result in an increase in potential for crime. There will be very little change in the built environment as the proposal is to broadly replace the existing structures to similar dimensions. Consent would not be given for any unlawful uses. Any security concerns or incidents would be a matter for the Metropolitan Police.
There is no way of policing what the garages are being used for. If it for anything other than a car, there may be additional hazards or increased risk of vermin. The garages may also be used for the operation of businesses or for activities that may increase traffic or visitor demand. The garages have previously been unlawfully used as car maintenance centres.	The applicant proposes that the garages are to be used for storage purposes (cars or otherwise). As such, a condition will be attached to any permission which will require the uses of the garages to be for parking and storage only. This would make any use of the garages outside of this description unlawful. The use of the garages as residential accommodation would require planning permission, which has not been sought. The size of the garages would restrict their attractiveness to commercial operators. It is not considered that the proposed garages would result in the creation of health hazards if maintained correctly and in accordance with their proposed uses. Any health hazards that do arise would need to be addressed by Brent's Environmental Health team.
The works to the garages are likely to encroach upon a large part of the land within Atherton Heights and restrict access for residents and leaseholders.	Construction causes some level of disturbance due to the nature of the activity. However, a Construction Method Statement is recommended to be secured through condition to minimise potential disruption.
The owners of Atherton Heights have not been keeping up with maintenance of the Atherton Heights development, for which leaseholders pay a service charge. This service charge is likely to have to pay for 'wear and tear' caused by non-resident garage owners.	This is not a material planning consideration. Please see response to the first point of objection.
No alternative arrangement for parking, access, wear and tear, security, pest control and contribution to maintenance has been provided by the leaseholders/tenants.	Brent's highways team have considered whether the proposal will limit the existing capacity in terms of parking and access. If it is considered that parking availability has fallen below parking demand without suitable mitigation proposed then the proposal will not be supported. Further information is contained within paragraphs 5.1 - 5.5 below.
The garages at present have not been looked after and are surrounded by lots of rubbish. This may be the same problem once the third party	This has not come about as a result of a planning decision and is not a material planning consideration. This issue should be addressed by

takes over.	Brent's Environmental Health team.
Leaseholders who rent out their flats to tenants face the prospect of losing tenants and rental income as a result of the privately imposed parking fines upon the occupants.	This is not a material planning consideration. Please see response to the first point of objection.

Environmental Health

Raised no objections subject to conditions. This is discussed in paragraph 6.1 – 6.3 below.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

Brent Core Strategy – July 2010

CP17 – Protecting & Enhancing the Suburban Character of Brent

Brent DMP – November 2016

DMP1 – General Development Management Policy

DMP11 – Forming an Access on to a Road

DMP12 – Parking

DETAILED CONSIDERATIONS

1. Principle of Development

1.1 The applicant has confirmed that the 17 existing garages within Atherton Heights are mostly unusable and currently vacant. It is confirmed that three of the garages are currently let out to non-residents and one is currently let out to a resident of Atherton Heights.

1.2 Given the lack of an active use and current dilapidation of the garages, it is considered that the replacement of the garage structures with new similar garages is acceptable. The new build garages would be in better condition and have slightly larger dimensions which would mean they are more likely to serve an active purpose. It is considered that the addition of three new garages (taking the total from 17 to 20) would be acceptable as the garages will remain as modest structures within the environment and would not materially change the appearance of the collective cluster of garages at present.

2. Principle of the proposed use

2.1 The applicant has confirmed that the proposed uses of the garages are for parking and/or storage which is likely to have reflected the last lawful use of these garage units. It is specified that the garages will be offered for sale/lease to residents first and then offered to third parties if they are not taken. Given the existing use of the garages, it would not be possible through to restrict the use of the garages to residents of the residential blocks within Atherton Heights through planning, or to require the applicant to offer them to existing residents before others. The existing garages were used for parking and storage, with not all for residents of the development. As such, the principle of the use of the re-provision of the garages and the provision of three additional garages is considered to be acceptable, subject to the consideration of the other material planning considerations discussed later in this report. It is not considered reasonable to object to the potential use of the garages by non-residents for the reasons set out above.

2.2 If the garages are used for purposes beyond that of the parking of cars or storage, or if the garages are joined together internally to create larger storage spaces, then this may have different implications for the highways impact and the appropriateness of such a use in this area. As such, a condition is recommended to secure this.

3. Character and appearance

3.1 The current garages have a height of 2.4m, a width of 2.5m and a depth of 5.3m. A large terraced cluster of these garages (13 garage units) are located on the western side of the garage area. Two smaller clusters (2 garages each) are located opposite these garages on the eastern side of the garage area. These clusters are slightly deeper, with 5.5m and 5.7m depths respectively. The other dimensions remain the same as with the larger cluster.

3.2 The proposed garages would have a height of 2.4m, a width of 3.0m and a depth of 5.3m. This results in a very similar arrangement to the existing, with the new garages proposed to be the same height and depth as the existing garages, and have the same proximity to the boundaries with Sunnydene Gardens to the west. However, the garages are wider, with an additional width of 0.5m for each garage. On the eastern side an existing double garage block is to be replaced with a wider garage block (increasing the width from 5 m for the existing to 5.7 m for the proposed) and a new 9 m wide block of three garages is proposed to be built adjacent to this.

3.4 Given the size and siting of the proposed garages, it is considered that the proposal will have an acceptable impact on the visual character of the area and will not result in a significantly different local character. In fact, the use of newer materials is likely to result in a more aesthetically pleasing appearance than the current vacant garages and may ultimately improve the appearance of the area.

4. Impact of the built form of the proposed development on neighbouring occupiers

4.1 As discussed above, the proposed garages replace existing garage blocks. The western block predominantly adjoins the garage blocks of the adjoining site, with the additional width set away from the amenity space to the south of those adjoining garage blocks. The proposal will not result in the garages being any closer to the residential premises at Atherton Heights; they will also be built to the same modest height as at present. As such, the development is not considered to have an unduly detrimental impact on the light or outlook of any neighbouring occupants, including those to the west, within the curtilage of Sunnydene Gardens. To the east, an existing 5 m wide garage block is to be demolished and two garage blocks constructed, measuring 5.5 and 9 m in width. This does increase the width of the garage blocks adjacent to the communal amenity space of the adjoining residential block. However, given their limited height (2.4 m), this is not considered to result in an unduly detrimental impact on the quality of that space or the outlook of the adjoining residential block.

5. Highways

5.1 Car parking allowances for residential use are set out in Appendix 1 of the adopted DMP 2016. As the site does not have good access to public transport services, the higher standard applies.

5.2 Assuming each of the 27 flats at Atherton Heights has two bedrooms, up to 27 parking spaces would be allowed for the estate. It has been estimated that approximately 17 parking spaces could be accommodated within the adopted element of Atherton Heights. The garages and other areas within the application site would have originally provided additional parking spaces. However, the agent has confirmed that the application site is under their private ownership, and that residents do not have any rights to park in or access this area. Atherton Heights is an adopted highway. However, the area of adopted highway does not project into the application site. It is understood that the owner has been enforcing against parking within the application site by issuing tickets to the residents who park there. However, such tickets cannot be issued for parking on the parts of Atherton Heights that are a part of the adopted highway. As such, the development proposed within this application in itself does not affect the ability of residents to park within the application site as they are not legally entitled to park within this area. Objectors have specified that the proposal fails to re-provide parking for residents. Given the matters discussed previously within this paragraph, to require the re-provision of parking for residents where they do not have a legal right to use the existing garages could not be secured within a planning consent.

5.3 This proposal will remove 15 of the 17 garages within the garage court, which due to their limited width of 2.5m and ramshackle state, appear to be little used. Eighteen new and larger garages (5.3m x 3m) are proposed in their place, which will be more useable, with adequate turning space retained within the 6.6m-8.1m wide aisle.

5.4 Whilst the applicant has indicated that the garages will first be offered to the residents/leaseholders of Atherton Heights and it is specified that some residents have already indicated an interest. However, the applicant has specified that garages will be offered to third parties if not taken up by residents. Given the limited size of the garages, the potential use by people who do not reside in Atherton Heights is not likely to result in excessive levels of traffic or congestion and would not be considered detrimental to highway flow and safety. If the existing garages were repaired (which would not require planning permission), then they could already be used for such purposes.

5.5 The proposal is not considered to result in conditions prejudicial to the free and safe flow of traffic or

pedestrians and as such, is considered to accord with the Brent Local Plan Development Management Policies 2016.

6. Environmental Health Considerations

6.1 The area where this proposed demolition and erection of prefabricated garages is located has previously been used for garages. Therefore there may be contaminated land associated with this previous use. It is therefore recommended that a condition is attached to address this if consent is granted.

6.2 The development is within an Air Quality Management Area and located close to other residential properties. Demolition therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. An appropriate condition is therefore recommended to secure a Construction Method Statement to minimise the impact on local air quality and protect the amenity of neighbours.

6.3 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. An informative will remind the applicant of such duties.

7. Conclusion

7.1 Given the above, the proposed development is considered to be acceptable. The scheme is of an appropriate siting and design, would have an acceptable relationship with surrounding properties, would not undermine highway safety and is consequently recommended for approval, subject to condition as laid out in the decision notice.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/5103

To: Mr Matthew Dunsford
12 Burnside Close
New Barnet
Herts
EN5 5LN

I refer to your application dated 20/11/2016 proposing the following:
Demolition of existing 15 garages and erection of 18 pre-fabricated garages (for parking/storage purposes)
and retention of 2 existing garages (for parking/storage purposes)
and accompanied by plans or documents listed here:
See condition 2.
at Garages, Atherton Heights, Wembley

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 03/03/2017

Signature:

Alice Lester
Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-
National Planning Policy Framework 2012
Brent Development Management Policies 2016
Brent Core Strategy 2010

- 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):

1 – Existing
2 – Proposed

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

- 3 The garages hereby approved, including those that are to be retained, shall not be used other than for the parking of vehicles and/or storage for the lifetime of the development.

Reason: To ensure the use of the garages is appropriate for their setting, having regard to the nature and character of the area and the amenities of adjoining and nearby occupiers, and in the interest of pedestrian and vehicular flow and safety.

- 4 The garages hereby approved, including those that are to be retained, must remain internally separated as individual garage units as identified on plan 2 (proposed plans) for the lifetime of the development. The separating walls between all garages shall remain in place and no internal openings or means of passage between garage units shall be constructed for the lifetime of the development.

Reason: To ensure the use of the garages is appropriate for their setting, having regard to the nature and character of the area and the amenities of adjoining and nearby occupiers, and in the interest of pedestrian and vehicular flow and safety.

- 5 Details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced (excluding demolition and the laying of foundations). The development 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.

- 6 Prior to the commencement of the development a Construction and Demolition Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the construction of the development shall be carried out in accordance with the approved statement.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- 7 In the event that contamination is found at any time when carrying out the demolition and construction works hereby approved, it must be reported in writing within 7 days of identification to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Following this, a site investigation must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority prior to the further carrying out of works.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to environmental hazard.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.
- 3 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903