

COMMITTEE REPORT

Planning Committee on

14 February, 2018

Item No

05

Case Number

17/4747

SITE INFORMATION

RECEIVED	6 November, 2017
WARD	Northwick Park
PLANNING AREA	Brent Connects Wembley
LOCATION	Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley
PROPOSAL	Erection of 3 two storey detached dwellinghouses to rear of 12 and 14 St Andrews Avenue, with provision for 4 car parking spaces, cycle and bin storage, installation of new service road between 12 and 14 onto St Andrews Avenue and associated landscaping
APPLICANT	UK Property Acquisitions LTD
CONTACT	Mr Power
PLAN NO'S	Refer to 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_137087</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 "17/4747" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

RECOMMENDATION Resolve to grant planning permission subject to conditions.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatics to secure the following matters:

Conditions

1. Time Limit for commencement
2. Approved drawings/documents
3. Parking spaces provided prior to occupation
4. Removal of permitted development rights for the new houses
5. Obscured glazed windows on side elevations
6. Construction Method Statement to be submitted
7. Trees Protection Plan and Arboricultural Method Statement be submitted
8. Details of Sustainable Drainage measures to be submitted
9. Details of materials to be submitted.
10. Details of soft landscaping to be submitted
11. Details of acoustic fencing to be submitted
12. Details of hard landscaping to be submitted
13. Details of refuse storage facilities to be submitted
14. Details of external lighting to be submitted
15. Details of cycle store to be submitted

Informatics

1. CIL Liable
2. Highways informative regarding crossovers
2. Party Wall Act
3. Nesting Birds
4. Bats
5. Notify highways before works commence
6. Fire Safety
7. Living Wage

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, informatics, 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.

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

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This map is indicative only.

PROPOSAL IN DETAIL

The proposal is for the demolition of two garages and the construction of an access road between the two houses and three x 3-bedroom houses in the rear gardens of the existing houses, with associated four parking spaces, cycle and bin storage. The frontage of Nos 12-14 would be relandscaped with one parking space provided for each dwelling. No alterations are proposed to these existing houses, which would remain in residential use as single dwellings.

EXISTING

The site consists of two 1930s link semi-detached houses with adjoining garages and their residential curtilages. The rear gardens adjoin properties on Lothian Close (a more recent cul-de-sac development) to the west, car parking belonging to Elmwood Court to the north and a flatted development (Georgian House) on Elm Road to the northeast.

The site is located on the northern side of St Andrews Avenue within an established residential area. It is not within a conservation area and does not include a listed building.

AMENDMENTS SINCE SUBMISSION

A tree report, arboricultural impact assessment and tree protection plan were submitted on 16/1/18.

A topographical survey, revised section drawings and a revised site plan were submitted on 22/1/18 (the original section drawings were inaccurate as they were not based on an accurate survey of ground levels across the site). The revised site plan shows pedestrian visibility splays, a front boundary wall and bin storage for the existing houses located on the frontages, as requested by transportation, and low level planting on the boundary with the highway on Lothian Close.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **The principle of development.** The proposal involves the construction of three houses on an area of land previously part of the rear gardens of the two host dwellings. The proposal would provide residential units within a residential area and the use is generally appropriate. The houses would be within the rear gardens of existing houses. However, the patterns of development in the locality include existing housing in the vicinity (to the rear of the St Andrews Avenue main building line) and the development would not be out of keeping with the suburban setting. The proposal is therefore considered to be acceptable in principle subject to the remainder of the material planning considerations.
2. **The design, scale and appearance of the proposal.** The three houses would continue the pattern of development established by Lothian Close, and the plot sizes for both existing and proposed houses would be in keeping with the area. The houses would be of similar height, scale and bulk as those existing and would be positioned to reflect the existing topography. The architectural style is acceptable in the surrounding context and the proposal would include new soft landscaping.
3. **The relationship with neighbouring properties.** This would comply with Council guidelines (SPG17 and draft SPD1), and the proposal would not have an unduly detrimental impact on the amenities of neighbouring residents.
4. **Residential living standards.** The proposed houses would be of a good size in comparison to minimum floorspace standards and would have a generous amount of private amenity space each, with the existing houses also retaining large rear gardens.
5. **Trees and ecology.** The loss of a small number of trees, mainly of low quality, is considered acceptable subject to replacement planting. The site is not considered to have any existing ecological value although biodiversity enhancement will be required by condition.
6. **Flood risk and drainage.** The site is not in a Flood Zone and there is no historic evidence of flooding on

the site. The proposal would retain large areas of garden and soft landscaping, and hard surfaces would be of permeable materials. A drainage condition is recommended to ensure surface water can be drained on site.

7. **Transportation considerations.** The proposal includes demolition of the existing garages serving the two existing houses, and provision of a private driveway between them to serve the proposed houses. The proposed access arrangements are considered to be safe and appropriate and parking and bin storage is proposed for both existing and new houses.

RELEVANT SITE HISTORY

11/2791: Erection of four 3-storey terraced dwelling houses on land at rear of 12-14 St. Andrews Avenue. Application refused 29/03/12 for the following reasons:

"1 The proposed backland development would introduce a level of additional activity and visual disturbance that, particularly at night, would have a detrimental impact on the amenities of surrounding neighbouring residents and would result in an intensity of development out of character with this rear garden location, contrary to policies BE2, BE3, BE6 and BE7 of the adopted Brent Unitary Development Plan and CP17 of the Local Development Framework Core Strategy.

2 The proposed development by reason of its design and scale would have an unattractive, unsympathetic and incongruous appearance and is considered an inappropriate and non-subsidiary form of development in this distinctive suburban back garden location to the detriment of local visual amenities and contrary to policy CP17 of Brent's Core Strategy 2010 and policy BE 9 and H15 of Brent,s UDP 2004.

3 In the absence of a legal agreement to control the matter, the proposed development would result in:

- additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
- increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment; and
- increased pressure on education infrastructure, without any contribution to education improvements.

As a result, the proposal is contrary to policies TRN3, TRN4, TRN11, OS7 and CF6 of the adopted Brent Unitary Development Plan 2004."

A subsequent appeal (ref APP/T5150/A/12/2177425) was dismissed on 19/10/12. The Inspector concluded in relation to the reasons for refusal above:

"1. The glazed front facades of the proposed dwellings would create a significant wall of light when internal lights are on in the evenings. ... The proposed access via Lothian Close would increase the traffic using this cul-de-sac and the parking area for six cars would be provided very close to the rear of the host dwellings. ... the proposal would have an adverse effect on the living conditions of occupiers of nearby properties with particular reference to noise, disturbance and visual impact.

2. It is proposed to alter the ground levels to enable all four proposed dwellings to have the same roof height with associated ground level adjustments to raise the garden areas. ... due to the bulk and height of the proposed dwellings, I consider that they would unacceptably dominate this rear garden environment to the detriment of the character and appearance of the area. They would not be subsidiary to the host dwellings or respect the setting of those in Lothian Close. Thus, they would have an adverse effect on the character and appearance of the surrounding area.

3. the Unilateral Undertaking would satisfy contributions towards infrastructure."

13/0471: Erection of three two-storey terraced dwelling houses on land at the rear of 12-14 St. Andrews Avenue. - application withdrawn 28/10/15.

This application proposed three terraced houses accessed from Lothian Close. Following a visit by Planning Committee members on 15/06/13, it transpired that part of the road surface at the end of Lothian Close is owned by the owners of 19 Lothian Close and is in fact the parking space for this property. The application was deferred to allow the correct notices to be served, and was subsequently withdrawn by the Council due to the lack of recent activity.

CONSULTATIONS

A total of 71 neighbouring properties were consulted for more than 21 days on 10 November 2017. 13 objections were received and a petition including 14 signatures, and are summarised as follows:

Comment	Officer response
Overlooking and loss of privacy to neighbours;	See paragraph 16
Overshadowing and loss of daylight to neighbouring houses and gardens;	See paragraph 13
Over-development and overcrowding of already dense cul-de-sac;	See paragraph 7
Proximity to boundaries in Georgian House;	See paragraph 14
Proposal out of character with immediate area, over bearing and out of scale re design, location, position, building height and ground levels;	See paragraphs 3, 6, 7 and 8
Adverse visual impact on landscape, trees, wildlife, green space;	See paragraphs 23-25
Detrimental effect on character of local area;	The principle of development within the rear garden setting is discussed within paragraphs 1 -5, and the design, scale and appearance of the new dwellings is discussed within paragraphs 6 - 10.
Access road is incongruous with existing character and appearance of the street	See paragraph 3
Access directly from St Andrews Avenue ruled out in previous planning history;	The previous two applications both proposed access from Lothian Close. Access from St Andrews Avenue has not been proposed previously and there is no reason in principle why this access would not be satisfactory.
Access is on difficult and congested blind bend;	See paragraph 30
Access for emergency services and utility vehicles inadequate;	See paragraphs 36 and 37
Increased traffic leading to increased danger of vehicle and pedestrian accidents, pollution and noise, distress to residents of nearby residential care home and patients with mental health disorders;	See paragraph 30
Increased parking will be required due to extended families occupying single dwellings;	The parking provision takes into account the number of bedrooms and likely occupancy levels for the houses. See paragraphs 31 and 32
Four parking spaces not enough for three houses, compounded by loss of two existing parking spaces for Nos 12-14, and will add to	See paragraphs 31 and 32

on-street parking demand;	
Four parking spaces to rear of Nos 12-14 could already have been legally assigned to those properties;	There is no evidence that this has occurred or would occur. Planning permission would be granted on the basis of the plans submitted and a condition requiring parking to be available for the new properties, and any disputes over land ownership within the site would be a civil matter.
Disruption and danger of accidents from construction vehicle access and construction process;	See paragraph 18
Pollution, noise, vibration, dust emission, nuisance and disturbance to neighbours, including from construction period;	See paragraph 18
Lothian Close too narrow for additional traffic;	There is no access proposed from Lothian Close.
Problems caused by existing traffic and parking generated by existing residents including extended families, nearby school and church.	This is not a planning consideration in relation to this application. The proposal is not likely to result in levels of additional traffic and parking that would be detrimental to highway flow or safety.
Proposal will lead to introduction of on-street parking restrictions	There are no plans to introduce on-street parking restrictions in this location.
Proposal will increase surface water run-off onto St Andrews Avenue, with insufficient space for SUDS or soakaway.	The site is not in a Flood Zone and there is no historical evidence of flooding on or near the site. The proposal would retain large areas of garden and soft landscaping, and hard surfaced areas would be of permeable materials.
Owner of site does not live on the street and is developing for profit, Nos 12-14 are rented out and left in poor condition.	This is not a material planning consideration. However the proposal includes new hard and soft landscaping on the existing frontage, which will enhance the visual amenity of the site.
The three new houses would also be neglected.	This is not a material planning consideration and there is no evidence that it would happen.
Proposal would be designing in social isolation as houses are set apart from the street and of lower quality.	There is no evidence to suggest that this form of development leads to social isolation or that the houses would be of poor quality.
Extent of neighbour consultation.	Neighbour consultation has been undertaken went beyond legislative requirements.
Development would set precedent for other back garden developments in the area, leading to loss of amenity for existing residents.	Precedent is not a material consideration. Other applications would be decided on their own merits.
Consultation period is too short.	Consultation requirements are set out in

national legislation.

Internal consultees

Councillor McLennan: Objection

- Refuse storage and collection inappropriate even though within 20m of road. 5 x 3 bins may be left permanently on pavement outside Nos 12-14.
- Car parking provided too small and no parking available on St Andrews Ave, which is now heavily parked.
- Access is inappropriate for five properties of three or more bedrooms sharing one driveway.
- Loss of two front gardens to hardstanding, and damage to street scene as a result.
- Nos 12-14 both highly occupied rental properties and may be HMOs.

Councillor Murray: No comment

Councillor Perrin: Objection

- Refuse storage and collection inappropriate even though within 20m of road. 5 x 3 bins may be left permanently on pavement outside Nos 12-14.
- Car parking provided too small and no parking available on St Andrews Ave, which is now heavily parked.
- Access is inappropriate for five properties of three or more bedrooms sharing one driveway.
- Loss of two front gardens to hardstanding, and damage to street scene as a result.
- Nos 12-14 both highly occupied rental properties and may be HMOs.

These matters have been discussed the remarks section of the report. Please see paragraphs:

- Refuse storage: paragraph 35
- Car parking: paragraph 28-33
- Access: paragraph 30
- Front gardens: paragraph 33
- Use of the existing properties: paragraph 4

Waste services: No objection

Lead Local Flood Authority: No objection

There are no reports of flooding in this area. The road slopes away towards Elm Lane. There are reports of flooding on Elm Lane but not near St Andrews Avenue. Further details of surface water drainage including SUDS should be required by condition.

Environmental health: No objection

Subject to condition regarding construction management.

External consultees

London Fire Brigade: No objection

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy (Policies CP1, CP2, CP5, CP6, CP8, CP18, CP19, CP21), the 2016 Brent Development Management Policies Document (Policies DMP1, DMP9B, DMP12, DMP14, DMP15 and DMP19) and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

The National Planning Policy Framework 2012
SPG17 Design Guide for New Development 2002
Brent Waste Planning Guide 2013
Mayor of London's Housing SPG 2016
Mayor of London's Sustainable Design and Construction SPG 2014

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. In addition, the emerging Draft Brent Design Guide SPD1 has been subject to public consultation and once adopted will supersede SPG17. This document is now given significant weight in the assessment of

planning applications. The Draft New London Plan is open for consultation until 2 March 2018 and is given some weight in the determination of this application.

DETAILED CONSIDERATIONS

Principle of development

1. Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation, and the proposal would contribute three family-sized houses towards this target within an established residential area.
2. The NPPF defines residential gardens in urban areas as greenfield sites, and encourages local planning authorities to set policies resisting inappropriate development on these sites. Policy CP17 prevents the development of garden space with out-of-scale buildings that do not respect the settings of the existing dwellings, and proposals for garden land development are only acceptable in principle if they comply with the requirements of this policy.
3. However, there are other, older, developments in a similar location set back from the main parts of St Andrews Avenue. The proposal will be adjacent to the terraces of houses that front Lothian Close. Access to the proposed houses would be provided from St Andrews Avenue. However, the presence of and relationship with these existing dwellings means that the siting of the proposed houses, to the rear of the frontage houses, is not alien to the area. In previous planning applications 11/2791 and 13/0471 the principle of developing the site was considered to be acceptable. The proposed layout and scale are discussed in more detail in the following section on Design, Scale and Appearance. However in principle the proposal is considered to comply with the requirements of Policies CP2 and CP17, and to be an appropriate and acceptable means of developing the site.
4. Objections have been received on the basis that the two existing houses are highly occupied and could be in use as HMOs. However, no evidence has been provided to support this view and conversion to a small HMO could in any case be carried out under permitted development rights. The use of the property as a large-scale HMO (by more than 6 people) has not been applied for and would require planning permission.
5. Further objections relate to the neglected condition of the existing houses and the applicant has suggested a condition requiring their external decoration. However, the condition of the houses is not a material planning consideration and therefore this condition would not be reasonably related to planning.

Design, Scale and Appearance

6. The proposed three houses would continue the general pattern of development established by Lothian Close, which sits behind the houses on St Andrews Avenue and in itself represents a form of backland development, albeit long established and on a larger scale than the proposal. Although the access would not be provided from Lothian Close, it is considered that the visual relationship established would be that of extending the existing row of houses, intensifying the existing staggered building line to create some visual closure to the cul-de-sac.
7. In terms of plot sizes, the three houses would be on slightly smaller plots than Nos 12-14, but similar to those of other existing dwellings on St Andrews Avenue and slightly larger than the dwellings on Lothian Close, which is significantly more densely developed. Given that existing dwellings along St Andrews Avenue are in close proximity to the development at Lothian Close, it is considered that the proposed three houses would be appropriate to the setting. Although concerns have been raised about overdevelopment of the site, it is considered that the size of the development would be appropriate to the site and less dense than the existing houses on Lothian Close.
8. The houses would be of a similar height, scale and bulk to the existing dwellings and those on Lothian Close, and would not appear out-of-scale. The ridge height of 8.6m would be lower than that of the dwellings on Lothian Close (9m) and of the proposed dwellings refused under 11/2791 (9.2m). The extent of built form would be greatly reduced compared to 11/2791, with the number of dwellings proposed reduced from four to three, allowing a more spacious layout within the site. Furthermore, the topographical survey and amended section drawings demonstrate that the proposal would not involve artificially raising ground levels to provide a flat site which would appear over-dominant in relation to St Andrews Avenue. Rather, the houses would be situated along the east-west slope of the existing site,

with ground levels falling in line with the existing topography in order to minimise the visual impact from St Andrews Avenue and to appear in keeping with the surrounding area. The application is considered to have addressed the concerns of the appeal Inspector in relation to bulk and height.

9. The houses would be of a contemporary style with gable end roofs echoing the small gable end features on houses in Lothian Close. The surrounding area contains a mix of housing styles including both hipped and gable roofs, with the more recent dwellings on Lothian Close representing a departure from the prevailing style on St Andrews Avenue. The proposed houses would be of a different style but would not be obtrusive or incongruous and would contribute to a varied street scene. The plans indicate the materials as being roofing in standing seam grey zinc, windows in dark grey aluminium, and elevations in white render and timber cladding, and these are considered to be acceptable within the context of the surrounding area, given that white rendered elevations are commonly seen along St Andrews Avenue. However it is recommended that further details of materials are required by condition.
10. The four parking spaces would be located to the front of the proposed houses, with soft landscaped front gardens in the intervening space. Changes in ground levels would be managed through the hard and soft landscaping scheme to include retaining walls and paved pathways to the entrances of the houses, and the boundary with the highway on Lothian Close would consist of low level planting in order to provide a visual connection between the three houses and the line of adjoining houses along Lothian Close. Trees and hedging are proposed as part of the boundary treatment around the parking areas and would provide adequate screening of these areas from neighbouring properties. The landscaping scheme would also include proposals to introduce soft landscaping on the existing frontages of Nos 12-14, which are currently entirely hard surfaced, and this would enhance the visual amenity of the St Andrews Avenue street scene. Further details of the landscaping scheme would be required by condition.

Relationship with neighbouring properties

11. Developments should maintain adequate levels of privacy and amenity for existing residential properties, in line with the 30 degree and 45 degree guidance set out in SPG17 and draft SPD1, and the 1:2 guidance set out in draft SPD1, retaining a 9 m distance to the rear boundary and 18 m between opposing rear-facing habitable room windows.
12. The amended section drawings show that the proposed houses would be well within a 30 degree line of the rear windows of Nos 10, 12 and 14 St Andrews Avenue, and also well within a 45 degree line of their rear garden boundaries, of the rear side garden boundary of No 10, and of the boundary with Elmwood Court to the north. The proposal would not appear overbearing to these properties or have any adverse impact upon their light and outlook. The latter boundary is in any case adjacent to parking areas and frontage landscaping at Elmwood Court rather than private rear gardens, and so the 45 degree guidance is of less relevance.
13. The proposal would comply with the 1:2 guidance with respect to the front building line of the adjacent house at No 19 Lothian Close, and the rear building line would be set back from that of No 19, and so the proposal would not cause any loss of light or outlook from that property or overshadowing to its garden. Some overshadowing to the far rear gardens of the adjacent properties on St Andrews Avenue and Georgian House on Elm Lane would occur in the late afternoon, but this would be of a very minimal extent. Each proposed house would enjoy a good standard of outlook from both front and rear elevations.
14. The proposal would retain a distance of 9 m or more from the rear boundary of Nos 12-14, and 18 m or more from their rear windows. Properties on Elmwood Court facing onto the shared boundary are situated 40m-50m from the boundary, which is more than adequate to prevent any concerns relating to overlooking and loss of privacy. The two parking spaces on the west of the site would face onto Nos 20-21 Lothian Close, but would be screened by 2m high boundary fencing and hedging. There would be no direct overlooking relationship onto No 10 St Andrews Avenue or properties in Georgian House, which are located to the side of the proposed development.
15. Each house would have ground floor and first floor side elevation windows serving the stairwells, utility rooms and bathrooms respectively. The utility room and bathroom windows are marked as obscure glazed and for the avoidance of doubt a condition is recommended to ensure they are retained as obscured and non-opening, to prevent overlooking and loss of privacy. The stairwell windows would face onto blank sections of the flank elevations of one of the other proposed houses, and it is not considered necessary for these to be obscured and non-opening. Each house would also have a first floor balcony.

to the rear. These would be recessed to prevent overlooking between the houses and onto the adjacent house at No 19 Lothian Close, and would look out onto the parking court and garages of Elmwood Court.

16. Objections have been received regarding overlooking and loss of privacy. However, the proposal would fully comply with the Council's guidelines in this respect and your officers consider that no unduly harmful overlooking or loss of privacy to neighbouring residents would occur.
17. The proposed landscaping would provide a buffer zone including acoustic fencing and planting along the boundary between the parking spaces and Nos 20-21 Lothian Close, in order to provide screening and reduce noise and air pollution from vehicles accessing the spaces.
18. Environmental Health have been consulted and have no objection subject to a condition placing restrictions on construction activity in order to minimise disruption to neighbouring residents and the highway. Acoustic fencing and mixed hedging are proposed on the boundaries between existing rear gardens and the parking areas serving the proposed three houses, to ensure that neighbouring residents would not be unduly impacted by noise and air pollution due to the parking of cars. It is proposed that details of the acoustic fencing including its exact height and extent would be required by condition.

Residential living standards

19. All development is required to comply with minimum internal floorspace standards set out in the Mayor's Housing SPG and with the residential amenity space requirements set out in Brent Policy DMP19 (including a requirement of 50sqm rear amenity space for 3bed dwellings).
20. Each house would have an internal floor area of 107sqm, which exceeds the 102sqm minimum required for two-storey 3 bedroom 6 person dwellings.
21. The rear balconies would comply with London Plan standards, being 1.5m deep and over 5sqm in area. The rear garden space proposed (94sqm, 94sqm and 145sqm respectively) would substantially exceed 50sqm for each house, and the front gardens would provide additional amenity space (75sqm, 50sqm and 31sqm respectively) in a secluded and semi-private setting. The overall amount and quality of amenity space proposed is considered to be a positive aspect of the scheme.
22. The two existing dwellings at Nos 12-14 would also retain rear gardens of 116sqm and 103sqm respectively following the development, far in excess of the 50sqm required under DMP19.

Trees and ecology

23. A number of trees on site would be affected by the development, and the applicant has provided a tree survey, arboricultural impact assessment and tree protection plan. This identifies that eleven Category C (low value) trees would need to be removed to facilitate the development. It is also proposed to remove a Category B (moderate value) Ash tree (T14) on the rear boundary of the site, as the rear gardens would require terracing to provide usable amenity space given the steep rise in ground levels.
24. The tree officer has been consulted and has raised no objections. The Ash tree would over-dominate the location and would require periodic pruning as it has been cut back substantially, whilst its removal could be supported subject to replacement planting of a Wild Cherry which would also enhance biodiversity, and this would be required by condition. A detailed tree protection plan and arboricultural method statement would be required by condition to ensure adequate protection of retained trees. The loss of the trees is acceptable in this case given their low value but would need to be mitigated by replacement planting of seven small to medium ornamental trees within the proposed front gardens and the rear gardens of the existing houses, as part of a landscaping scheme.
25. The ecological value of the existing site is considered to be negligible due to its neglected condition and previous use as residential gardens. The ground has been covered by plastic sheeting to restrict vegetation growth and the site is adjoined by hard boundaries, the hardsurfaced parking area of Elmwood Court and other residential gardens, reducing the potential for wildlife corridors to be established. However, it is considered that the landscape scheme should include proposals to enhance biodiversity and replacement tree planting. Informatives are recommended regarding the applicant's legal duties with respect to bats and nesting birds.

Flood risk and drainage

26. Policy DMP9B requires new development to make provision for the control and reduction of surface water run-off and encourages the use of sustainable drainage measures wherever feasible.
27. Objections have been raised regarding the impact of the development on flooding in the area, as the proposed houses would be on higher ground than those on St Andrews Avenue and Elms Lane. However, the site is not in a Flood Zone 2 or 3 or a Critical Drainage Area and consequently there is no policy requirement for a flood risk assessment. The Council's drainage engineer has confirmed that there is no historical evidence of flooding on or near the site and that there is evidence of flooding on Elms Lane but not within the vicinity of the site. The proposal would retain large areas of garden and soft landscaping, and hard surfaced areas would be of permeable materials, and these would aid natural drainage of the site. However, further details of surface water drainage will be required by condition to ensure that these are adequate to prevent run-off onto neighbouring properties or the highway.

Transportation considerations

28. Development is required to comply with Policies DMP11 and DMP12, car parking allowances for residential use set out in appendix 1 of the Development Management Polices 2016 and the Brent Waste Planning Guide.
29. St Andrews Avenue is a local residential access road and on-street parking is generally unrestricted although there are double yellow lines opposite the site due to the bend in the road. It is too narrow for parking on both sides, but nevertheless is not defined as heavily parked. The PTAL rating is 2.
30. The proposal would extend the existing 3m wide crossover shared by the two existing dwellings, and would create a private driveway between them, leading to four parking spaces at the rear to serve the new dwellings. The driveway would be 3.5m wide, which is not sufficient to accommodate two vehicles passing one another. However, as the driveway would only serve three dwellings, Transportation consider that a single width access can be accepted as traffic movements would be low. The driveway would be provided as a shared surface to allow pedestrian access to the proposed dwellings.
31. The proposed dwellings are allowed a maximum of 1.5 spaces each, giving a total maximum of 4.5 spaces, and the proposed four spaces would comply with the parking standards. An acceptable vehicular swept path analysis has been demonstrated for the four spaces, with a 6m aisle between to allow manoeuvrability.
32. The existing dwellings are assumed to be 3bed and are therefore permitted 1.5 off-street parking spaces each. The existing provision of garages and further off-street parking on the frontages exceeds parking standards. The proposal would provide one parking space for each dwelling on the frontages. The spaces are shown parallel to the highway, which is not generally permitted under the crossover policy. However, the swept path analysis demonstrates that the proposed shared driveway would be available for turning, and that all manoeuvres into and out of the parking spaces would be undertaken within the private demise. Therefore the spaces are not considered detrimental to pedestrian safety on the public highway.
33. The six parking spaces would all be of standard dimensions (2.4m by 4.8m). Sufficient space would be retained on the frontages of the existing dwellings to provide 50% soft landscaping in compliance with Policy DMP12. This would represent an improvement on the existing site, of which the frontage is entirely hard surfaced, and would contribute positively to the visual amenity of the area. The site slopes towards the highway, so a drainage grill connected to the soak away is required at the highway threshold to prevent surface water run off on to the highway. A front boundary wall to the edge of the crossover is also required to prevent illegal crossing of the footway by vehicles. Visibility at the access for pedestrian safety must be demonstrated, which requires no obstruction over the height of 0.85m above road level. Soft landscaping is indicated on the plans, and further details of this and the additional requirements identified above would be required as part of the landscaping condition.
34. A cycle store providing six cycle parking spaces would be provided alongside the parking spaces, and this would comply with London Plan standards for cycle parking. Further details of the cycle store, including elevational drawings and materials to ensure that they are sufficiently secure and weatherproof, would be required by condition.
35. Bin stores are proposed on either side of the access road, towards the rear of the two existing houses. The size and number of bins proposed meets the Council's requirements of 1 x 140L and 1 x 240L per dwelling. These would be within 20m carrying distance of the highway and within 30m of the proposed

houses, and the Council's waste services department has no objections on the basis that they comply with the Council's guidance in this respect. Objections have been received on the basis that the distance from the highway is too great. However, it meets the Council's waste planning guidance and confirmation has been received from the waste services department as discussed above.

36. Collections could be made from St Andrews Avenue and, although concerns have been raised regarding the refuse collection point and the need for refuse vehicles to stand on the bend for a period of time, transportation consider that the double yellow lines at the bend would ensure that refuse vehicles are not obstructed during collections and that clearance would be maintained for other vehicles to pass. Following comments from Transportation, the plans have been amended so that bin storage for the existing dwellings would be provided on the existing frontages as at present. Further details of the bin stores, including elevational details and materials, would be required by condition.
37. It has been suggested that Veolia will only collect bins from within 10m of the highway notwithstanding the Council's guidance. This point has been discussed with Waste Services and Veolia, and they have confirmed that the proposed bin storage arrangements are acceptable.

Density

38. Development is expected to be in accordance with the London Plan density matrix, which recommends 150-250hr/ha for suburban sites with medium PTAL ratings. The proposal would increase the density of the site from 67hr/ha to 168hr/ha, which is towards the lower end of the recommended density range. The proposal is considered to be of an appropriate density for the site.

Emergency access

39. Consideration of matter regarding fire safety are dealt with through the Building Regulations. However, whether or not the scheme is likely to be found acceptable in terms of fire safety has been evaluated as this could influence the layout of the scheme. The proposed houses are more than 45 m from the point at which a fire appliance would stop during an emergency. However, the applicant has proposed the use of a sprinkler system to British Standards to address this. The London Fire Brigade have commented that while their comments do not represent a formal Building Control consultation response (which would be undertaken at the time of building control approval), in principle the Fire Brigade do allow a suppression system to be installed as a compensatory measure where 45m access cannot be achieved. Their response included additional information regarding the specification of the sprinkler systems and water mist systems in such a situation. As such, while the consideration of fire safety matters sits within the Building Regulations, based on the submitted information is no reason to believe that such approval cannot be achieved and this will be subject to the consideration of the technical details within the Building Regulations application.

CIL DETAILS

This application is liable to pay £105,474.23* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.
Total amount of floorspace on completion (G): 321 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	321	0	321	£200.00	£35.15	£89,708.04	£15,766.19

BCIS figure for year in which the charging schedule took effect (lc)	224	224
BCIS figure for year in which the planning permission was granted (lp)	313	
Total chargeable amount	£89,708.04	£15,766.19

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 17/4747

To: Mr Power
1 Lynes Cottage
Taynton
Gloucester
GL19 3AP

I refer to your application dated **06/11/2017** proposing the following:

Erection of 3 two storey detached dwellinghouses to rear of 12 and 14 St Andrews Avenue, with provision for 4 car parking spaces, cycle and bin storage, installation of new service road between 12 and 14 onto St Andrews Avenue and associated landscaping

and accompanied by plans or documents listed here:
Refer to Condition 2

at **Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, 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: 02/02/2018

Signature:

A handwritten signature in black ink that appears to read "Alice Lester".

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

SCHEDULE "B"

Application No: 17/4747

SUMMARY OF REASONS FOR APPROVAL

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

Brent Core Strategy 2010 (Policy CP2, CP17)

Brent Development Management Policies 2016 (Policies DMP1, DMP11, DMP12, DMP19 and Appendix 1).

- 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):

2651-T-001 - Topographical survey

1 - Location plan

2 - Existing block plan

3 - Proposed block plan

1A - Proposed site plan Revision 1

6 - Proposed ground floor plan

7 - Proposed first floor plan

8 - Proposed roof plan

14 - Proposed south front elevation

15 - Proposed west side elevation

16 - Proposed east side elevation

17 - Proposed north rear elevation

2a - Proposed site section A-A Revision 1

3a - Proposed site section B-B and material precedent Revision 1

4a - Proposed site section C-C Revision 1

5a - Proposed site section D-D Revision 1

BS5837 Arboricultural Report, Tree Constraints Plan & Arboricultural Impact Assessment
(Crawshaw Arborcare Ltd, December 2017)

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

- 3 The parking spaces and accesses shown on the approved plans shall be completed in full prior to first occupation of the development and permanently retained and not used other than for purposes ancillary to the dwellings hereby approved.

Reason: To ensure that the approved standards of parking are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- 5 The side elevation windows serving bathrooms and utility rooms shall be obscured and fixed shut below a height of 1.8m above finished floor level and shall be maintained as such unless prior written consent is granted by the Local Planning Authority.

Reason: In order to maintain the privacy of residents and prevent overlooking between dwellings.

- 6 Prior to the commencement of the development (including demolition works) a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out strictly in accordance with the agreed details.

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

- 7 Prior to development commencing a tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure adequate protection for retained trees on site.

- 8 Prior to development commencing, a surface water drainage scheme to include sustainable drainage measures shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure the site can be adequately drained and to prevent surface water run off onto the highway or neighbouring properties.

- 9 Details of materials for all external work, including samples which shall be made available for viewing on site or within another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 10 A scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing prior to first occupation of the development hereby approved and the approved scheme shall be completed in accordance with the approved scheme prior to first occupation of the approved development. The scheme shall include details of:

1. Planting, including a planting plan detailing plant species, size, location and number/density;
2. Walls / fences / means of enclosure;
3. Any levels or contouring within the site;
4. Proposed biodiversity enhancement measures to include bird boxes;
5. Boundary hedging to parking areas;
6. Low level planting to the boundary with Lothian Close;
7. Replacement tree planting comprising eight small to medium ornamental trees with a minimum stem diameter of 12-14cm and including species such as Prunus avium, Birch and Amelanchier.

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

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

- 11 Prior to first occupation of the development, details of acoustic fencing to be provided around the boundaries of the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fencing shall be erected in accordance with the approved details prior to first occupation of the dwellings hereby permitted and thereafter retained and maintained.

Reason: To prevent noise nuisance to neighbouring properties.

- 12 Details of a scheme showing those areas to be treated by means of hard landscape works, including retaining walls and a front boundary wall on the boundary with St Andrews Avenue which shall extend to the edges of the crossover and shall be no more than 0.85m in height, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, a schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- 13 Details of the waste storage area for both the existing dwellinghouses (to be provided within the front garden areas) and the new dwellinghouses, including any screening, shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 14 Details of any external lighting, which shall be designed to limit light spill, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting, and thereafter the lighting shall not be installed other than in full accordance with the approved details.

Reason: In the interests of safety and amenity.

- 15 Details of adequate arrangements for the secure weatherproof storage of six cycles shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The cycle storage shall be provided in accordance with the approved details prior to first occupation of the approved dwellings and thereafter retained and not used other than for purposes ancillary to the use of the dwellinghouses hereby approved.

Reason: To ensure adequate provision for cycle storage in accordance with London Plan standards.

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 If the development is carried out it may be necessary for the crossing over the public highway

to be altered by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 4 Birds and their nests are protected under the Wildlife & Countryside Act 1981. To prevent harm to nesting birds, site clearance and construction should not be undertaken other than outside of the bird breeding season (March to September inclusive) unless it takes place immediately after a nesting bird check has been undertaken by a suitably qualified ecologist.
- 5 Bats have protected status under European legislation. Site clearance and development must stop if any evidence of bats or their roosts is found on site and a suitably qualified ecologist must be consulted prior to work recommencing.
- 6 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233