
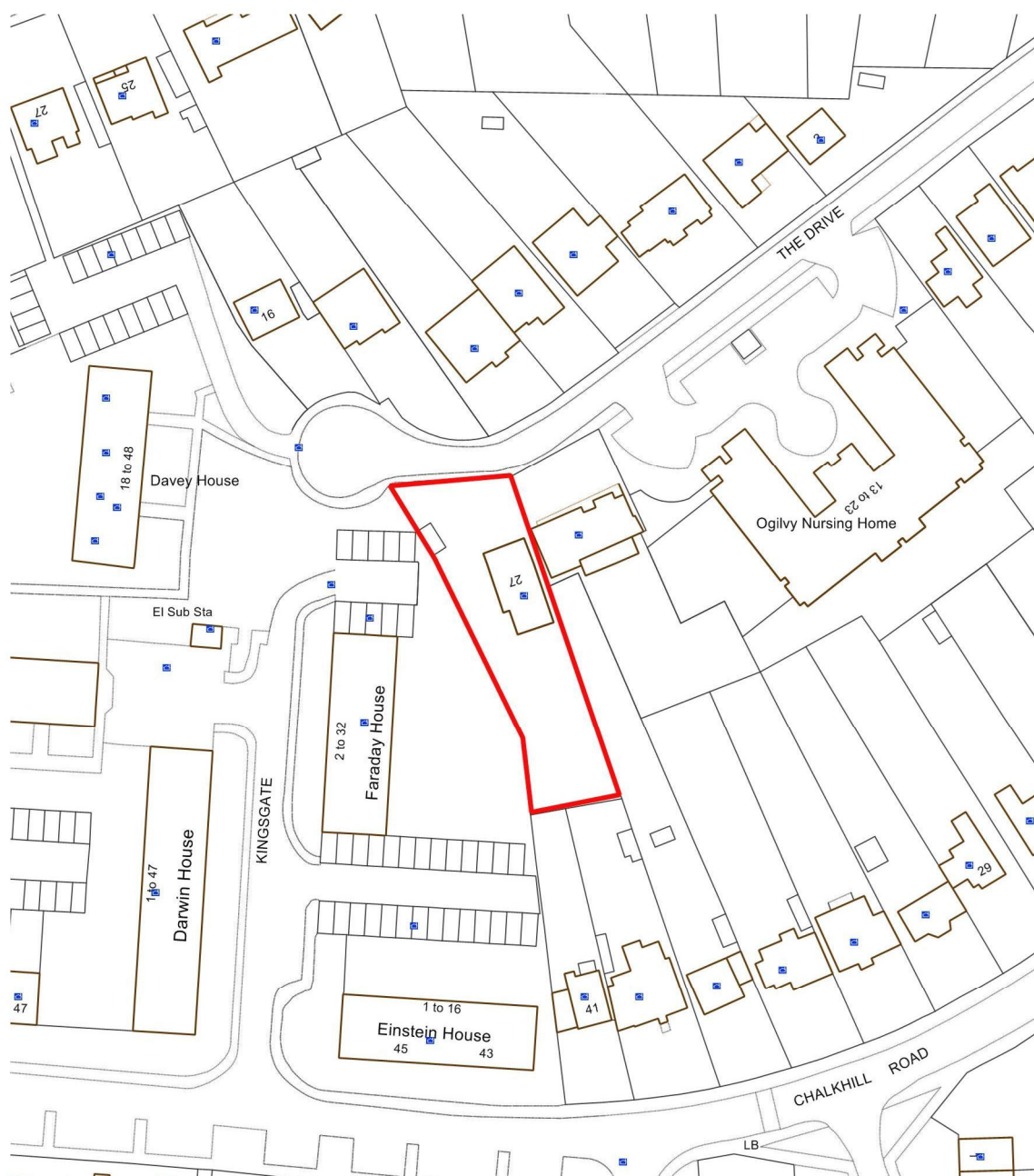


**Committee Report
Planning Committee on 15 February,
2012**

Case No.

11/3313

 **Planning Committee Map**
Site address: 27 The Drive, Wembley, HA9 9EF
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This map is indicative only.

RECEIVED: 14 December, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 27 The Drive, Wembley, HA9 9EF

PROPOSAL: Demolition of existing bungalow and erection of a two storey block of flats comprising six flats (one x three-bed, one x two-bed, four x one-bed flats), with formation of new vehicular access, five parking spaces, refuse store, cycle store and associated hard and soft landscaping (accompanied by Design & Access and Lifetime Homes Statement, Arboricultural Report, Tree Survey Schedule, Outline Sustainability Statement)

APPLICANT: 14 GROUP

CONTACT: Bancil Partnership Ltd

PLAN NO'S:

See condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
2. A contribution of £18,000, index-linked from the date of committee for Education, Sustainable Transportation, Sport and Open space improvements in the local area

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application site contains No. 27 The Drive, a bungalow, situated on the southern side of The Drive (a cul-de-sac). The site is not in a conservation area nor is the building listed. Surrounding uses are residential.

This area is of a mixed character with no dominant architectural form; whilst many properties on The Drive are detached houses with a generous front garden including forecourt parking, some properties have been redeveloped to form a larger block and to the west the site abuts the Chalkhill Estate, where the character changes to low rise blocks of flats. Immediately around the site and on the site itself are a large number of trees, giving a very green character to this part of The Drive.

Levels fall across the site from The Drive to the rear, with a 1m fall along the 10-12m from the footpath to the front of the property and a further 1-1.5m fall along the 19m length of the property. The land then falls another 2m to the end of the 32m long garden.

The bungalow is located within a large land parcel which is accessible from The Drive. There is off-street parking as the forecourt and the side passage to the house are paved. There are two x three metre wide vehicular access points from The Drive close to the extents of the property along the cul de sac.

PROPOSAL

The application is for demolition of the dwellinghouse and erection of a two storey block of flats comprising one x three-bed, one x two-bed and four x one-bed self contained flats with provision of five off-street parking spaces within the forecourt of the flats.

The block would be 13.3m wide and 5.5m high to eaves and 8.5m high to ridge, with a pitched and hipped roof with three front dormers. The block would have no entrance in the front elevation, instead the access would be from the side and the front elevation comprises ten windows, five to each floor, arranged symmetrically. The block would be finished in brick with an artificial slate roof and uPVC windows and doors.

It would be 18.5m in length overall, along the boundary with Faraday House and 12m long facing No. 25 The Drive, although at this point it appears the garden of No. 37 Chalkhill Road runs up to the back of No. 25.

The rear garden would be about 423sqm in total, but the size and position of the outbuilding would mean approximately 140sqm would not be useable as amenity space, thus reducing the total area to 283sqm.

Cycle storage has been indicated in a 6x10m brick-built outbuilding, with a pitched and hipped roof with 2.6m high eaves and 4m high ridge. This would be located in the rear garden, towards the end and within the root protection areas of three existing trees, two of which are category B.

HISTORY

10/3229 Demolition of existing bungalow and erection of a two storey block of flats comprising one x three-bed, one x two-bed and four x one-bed self-contained flats, with formation of new vehicular access, five parking spaces, refuse store, cycle store and associated hard and soft landscaping (accompanied by Design & Access and Lifetime Homes Statement, Arboricultural Report, Tree Survey Schedule, Outline Sustainability Statement) as amended by plans received 14/03/11 was **Refused** on 15/03/2011 for the following reasons:

1. *The proposed block, by virtue of its design, scale, bulk and mass, would have an adverse impact on the suburban character of the area, contrary to policies BE2, BE3, BE5, BE9, H12 and H13 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*

2. *The proposed block, by virtue of its scale, bulk and mass and its relationship with the boundaries, would result in material harm to the living environment enjoyed by neighbouring occupants in No. 25 The Drive and the communal gardens of Faraday House. This would be exacerbated by the loss of the screening trees, with no scope for replacement, which would expose the form of the proposed block. As a result, the proposal is contrary to policies BE2, BE3, BE6, BE9 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
3. *The proposed forecourt layout would, by virtue of the extent of hard surfacing, the position of the parking spaces and access path in relation with the habitable room windows of Flat 1 and the lack of soft landscaping, result in harm to the character and appearance of the area and material harm to the living environment of future occupants of Flat 1 contrary to policies BE2, BE6, BE7, BE9 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
4. *The proposed cycle store, by virtue of its scale, bulk, design and materials, would be an overbearing and incongruous structure with a harmful impact on the open character of the rear amenity area, contrary to policies BE2, BE9 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
5. *The applicant has failed to demonstrate adequately that the proposed scheme can make adequate replacement for the loss of existing trees and that there would be sufficient quantum and quality of landscaping, to the detriment of the character of the area and contrary to policies BE2, BE6, BE7 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
6. *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;*
 - *increased pressure on education infrastructure without any contribution to education improvements;*
 - *no provision of sustainable design features or renewable energy sources*

As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, OS7, OS18, BE12 and CF6 of the adopted London Borough of Brent Unitary Development Plan 2004, Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations" and policy 4A.7 of the consolidated London Plan (2008).

7. *The proposed forecourt layout would not provide sufficient off-street parking spaces for the proposed six flats and the carriage driveway arrangement would restrict on-street parking, which would be prejudicial to the free flow of traffic and highway safety due to the narrow width of The Drive, contrary to policies TRN3, TRN23 and PS14 of Brent's adopted Unitary Development Plan 2004.*

This decision was appealed and dismissed (APP/ T5150/A/11/2156363/NWF), although the Inspector found the scheme to be generally acceptable.

C7736 2971 Demolition of bungalow and erection of four maisonettes **Refused** 25/07/1972 for four reasons comprising: (1) loss of TPO trees due to hard-standing at front; (2) design and layout would be harmful to the character of the area; (3) loss of residential amenity in terms of overlooking; and (4) difficulties with access.

POLICY CONSIDERATIONS

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

Brent UDP 2004

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions 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 and durable materials of compatible or complementary colour/texture to the surrounding area.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with

- regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
 - TRN4 where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
 - TRN11 Developments should comply with the plan's minimum cycle parking standard.
 - TRN15 Access from a dwelling to a highway
 - TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
 - TRN34 Servicing in New Developments.
 - PS14 Parking standards for residential uses
 - PS16 Cycle parking

Brent Core Strategy 2010

- CP 2 Population and housing growth
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent Supplementary Planning Guidance

SPG3 Forming an access onto a road

Sets out the standards for the formation of an access onto a highway.

SPG17 Design Guide for New Developments

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

SPD S106 Obligations

Regional

London Plan 2011

Policy 3.5 Minimum unit sizes

National

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

Planning Policy Guidance 13: Transport, 3 January 2011

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to: (a) promote more sustainable transport choices for both people and for moving freight; (b) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and (c) reduce the need to travel, especially by car. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

CONSULTATION

Local

Local residents were notified by letter on 10/01/12. 66 letters were dispatched and ward councillors were also consulted.

Five letters of objection have been received. The objections can be summarised as follows:

- Overdevelopment
- Out of character
- Overbearing impact of block of flats and of outbuilding
- Loss of privacy
- Loss of sunlight and air
- Impact of overspill parking
- Impact of increased traffic movements
- Increase in noise and pollution
- Loss of trees

Internal

Transportation

This proposal can be supported subject to conditions requiring: (i) widening of the proposed crossover to the site to 4.1m with adequate pedestrian visibility splays; and (ii) reinstatement of the two existing vehicular crossovers which will become redundant due to the new development to footway at the applicant's own expense prior to occupation of the development, plus a financial contribution of £6,500 towards non-car access improvements.

Landscaping

Further information is required regarding which trees are to be removed, how the amenity space is allocated for each unit and tree protection. Further details to include a landscape scheme for the front forecourt and rear garden, including a landscape strategy showing indicative plant species and porous hard materials, would be required as a condition. As with the earlier refused scheme, the borough Tree officer does not think the development could go ahead little or no damage to the retained trees:

REMARKS

Introduction

The application is fundamentally the same as the scheme which was dismissed at appeal in 2011. A revised forecourt layout and access arrangement has been provided.

The fact the appeal was dismissed notwithstanding and although your officers, under delegated powers, refused the scheme for a number of reasons including the design and impact on neighbouring amenity, the Inspector found the proposal to be generally acceptable:

“For the most part, I... ..consider the proposed development to be acceptable and within the parameters of the various planning policies to which the Council have referred. Replacement trees are required, but this matter could be dealt with satisfactorily by planning conditions. The improvements needed to the parking and circulation area require revisions to be made to the application plans to show how this could be satisfactorily achieved; there are no revisions before me and the matter is too significant to be dealt with by planning conditions. Compliance with the SPD is dependent on the Council providing further justification for the contributions being sought and on the execution of an acceptable planning obligation; it would be inappropriate to grant planning permission before these steps had been taken.” (Inspector’s decision letter, 4 November 2011)

Your officers have given very significant weight to the opinion of the Inspector as set out in his decision letter. This report will refer to the Inspector’s letter where necessary and the judgement officer’s reach on each aspect of this scheme will be influenced by the appeal decision.

Key considerations

In light of the above, the key considerations of this proposal are limited to (a) whether the proposed front garden and car parking layout is acceptable; and (b) whether the s.106 payments are justified and the applicant is willing to enter into a legal agreement to secure them.

Notwithstanding this limitation, your officers are aware that Members will not have considered this application before and so the case is laid out in the usual format, as follows:

- (1) Principle of development, including density
- (2) Visual impact (design & form)
- (3) Standard of accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping & trees
- (6) Parking & access
- (7) Other

1. Principle

The principle of residential development is accepted as part of making an efficient use of land and meeting Brent’s housing needs and in particular the need for family housing, as supported by

PPS3, the London Plan and Brent's UDP and Core Strategy policies STR3, H11 and CP2. Whilst changes to the definition of garden land in the June 2010 revision to PPS3 means the garden of the property is no longer considered previously developed land (PDL), that does not mean gardens cannot be developed nor that the land where the bungalow stands is not PDL. In this case the fact the site has a direct, wide frontage onto a local access road and the proposed scheme follows the pattern of development in the area means this site is considered appropriate for residential development.

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy H13 of the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. The recently adopted Core Strategy policy CP6 also seeks to ensure developments have proper regard to policy 3.4 and states that "a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important".

The plans have been revised to include a family sized unit (3-bed) on the ground floor to replace the family unit which would be lost by the demolition of the bungalow.

In respect of the principle of development and the density the proposal is considered acceptable.

2. Visual impact

2.1 The main block

The character of the area is mixed but the dominant building form is two-storey detached houses. There are some other building types along the road and in the area, including bungalows and a nursing home block. Your officers considered the proposal did not display the design quality required of new development in the borough; however the Inspector concluded that the visual impact of the proposals would be acceptable.

The Inspector found the design of the block to be acceptable in the context of the varied streetscene:

"The proposed block of flats would be two storeys high. It would be higher and wider than the bungalow it replaced, but I do not consider that it would look out of context in the surroundings I have described. Its design would include dormer windows at the front and there would be no front entrance; however, the street scene has a varied appearance and the building would not look incongruous in this setting" (Inspector's decision letter, APP/T5150/A/11/2156363, 4 November 2011)

2.2 The outbuilding

The rear outbuilding, which would provide cycle and other storages for the flats, was judged by your officers to be an incongruous addition to the garden and advised that it should be replaced with a substantially smaller cycle store designed to suit a garden setting (e.g. small scale, timber clad). The Inspector, however, considered that the outbuilding *"would be quite large, but would be well away from surrounding dwellings and would not significantly intrude on anyone's visual amenities."* (Inspector's decision letter, APP/T5150/A/11/2156363, 4 November 2011)

In terms of the visual impact of the proposal, officers consider the scheme to be acceptable, giving very significant weight to the Inspector's opinion in this case.

3. Standard of accommodation

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

In terms of flat sizes and arrangement the standard of accommodation is good and complies with the minimum sizes in the London Plan 2011. Whilst some problematic vertical stacking is proposed (e.g. the lounge/kitchen of Flat 4 above bed 2 of Flat 1) this is not considered a reason for refusal as modern construction techniques should minimise any noise transmission to acceptable levels. The flats would have sufficient privacy and outlook (subject to the kitchen window to Flat 2 being obscured glazed), subject to a more detailed rear garden layout to ensure access to those areas immediately outside habitable room windows is restricted.

4. Impact on neighbouring amenity

4.1 Overbearing impact

The proposed block extends beyond the rear building line of the existing bungalow and has a substantially greater scale. Your officers did not consider the proposed block would have an overbearing impact on the occupants of No. 25, which shares the boundary to the east, but were concerned that the bulk of the block in combination with the loss of trees along the western boundary shared with the open space for Faraday House would be overbearing. The Inspector agreed up to a point, requiring that replacement planting be carried out:

“The main impact would be to open up a view of the side of the flats from the block of flats to the west and to reduce generally the sylvan appearance of the site. The Council indicate that this would be unacceptable unless adequate replacement planting is carried out, and I agree. The proposals before me are deficient in this respect, but there would be space to undertake more planting.” (Inspector’s decision letter, APP/T5150/A/11/2156363, 4 November 2011: para 5)

Due to the proximity of the building to the boundary and the side access path between, it may prove difficult to accommodate any substantial planting between the building and the western boundary that would have a screening effect; in compensation replacement trees could be provided in the rear garden by condition.

4.2 Outlook

The building complies with the 30 degree line from Faraday House but the relationship with No. 25, to the east, is more restricted. No. 25 has a sole habitable room window facing the proposed flank wall of the block at a distance of 5m. SPG17 does not include any distances for outlook, unlike privacy, but officers did not consider 5m to be acceptable in a suburban setting, particular considering the combination of that distance with the increased length and height (eaves and ridge) of the proposed block. This opinion was not supported by the Inspector, who concluded that: *“The impact on the amenities of No 25 in terms of loss of outlook, domination and overlooking would not be exceptional or out of keeping with what is normally acceptable in a residential area.”* (Inspector’s decision letter, APP/T5150/A/11/2156363, 4 November 2011: para 6)

Since there are no specific distances quoted in SPG17 as being necessary to maintain a good standard of outlook, it is a matter of opinion what is acceptable and in this case a higher authority has judged the relationship to be satisfactory.

4.3 Privacy

Whilst flank windows are shown, these are to bathrooms and as such could be conditioned to be obscured glazed and non-opening below 1.7m; the scheme would not have a material impact on the privacy of neighbouring occupants.

4.4 Loss of sunlight

The building would be located to the west of No. 25 and some distance to the east of Faraday House; no material loss of daylight or sunlight would occur.

4.5 Noise & disturbance

The development would result in an increase in the intensity of use of the site but there is no evidence that the occupants would cause undue harm to neighbouring amenity. Using the communal amenity space would be acceptable as the site to the west is also a communal amenity space and the site immediately to the east is an undeveloped end of a 74m long garden.

5. Landscaping & trees

5.1 Landscaping & amenity

The communal amenity space to the rear would be of sufficient size for six flats though part should be enclosed for the ground floor flats and in particular the ground floor family unit which should have as close to 50sqm as possible; this can be secured by condition. The forecourt layout provides scope for an attractive planting scheme and the retention of the TPO trees along the frontage, subject to further details of planting, materials and tree protection.

5.2 Trees

The borough Tree officer has reiterated his concerns about the potential impact of the development on the retained trees, particular due to the proximity of building works to their root protection areas. This was a reason for refusing the original scheme in 2010. The Inspector was satisfied with the potential impact on retained trees:

“The arboricultural report states that there are thirty-nine trees on the site. The five protected trees, which are all near the road frontage, would be preserved. The report indicates that eight trees should be removed for sound management reasons. The development would result in the loss of twelve more trees, eleven in BS Category Grade C and one in BS Category Grade B. The main impact would be to open up a view of the side of the flats from the block of flats to the west and to reduce generally the sylvan appearance of the site. The Council indicate that this would be unacceptable unless adequate replacement planting is carried out, and I agree. The proposals before me are deficient in this respect, but there would be space to undertake more planting.” (Inspector’s decision letter, APP/T5150/A/11/2156363, 4 November 2011: para 5)

Whilst the removal of dangerous or diseased trees is acceptable, further details will be required by condition to ensure no further trees would be jeopardised in the course of the development (in particular Tree 24). An Arboricultural Method Statement to include a Tree Protection Plan shall be secured before works commence on site, to ensure retained trees are not damaged by preliminary works including demolition and details of no-dig construction and cellular confinement systems shall be sought to prevent the long-term deterioration of the trees.

6. Parking & servicing

6.1 Parking

The site has moderate access to public transportation with PTAL Level 3. There is very close access to the bus routes Nos. 83, 182, 245 and 297 on Forty Lane close to its junction with The Drive.

On-street parking on the road is on the near side to the property, with the road having insufficient width to accommodate parking on both sides. As The Drive is within the Wembley Event Protective Parking Zone Scheme on-street parking is restricted to the permit holders only on Wembley Event Days. The affected times are 8am to Midnight.

The maximum parking allowance for the new units will be in the order of 1 space each for the one-bedroom units, 1.2 spaces for the two-bedroom unit and 1.6 for the three-bedroom unit. As such the total parking allowance for the six units will be in the order of 6.8 spaces, which is a maximum allowance and thus five spaces satisfies the Council's policies; however, consideration also needs to be given to the impact of any overspill parking on road safety and traffic flow in the street.

The earlier refusal stipulated that six parking spaces should be provided within the proposed parking area and the forecourt can be changed to accommodate more spaces by removing the carriage driveway format and instead providing a turning head. The failure to provide this amount of parking combined with the layout of the forecourt which does not meet the Council's policies and the extent of hard surfacing, relationship between parking spaces and the habitable rooms of Flat 1 and the lack of soft landscaping was a reason for refusal.

The Inspector supported the Council in this aspect of the refusal and concluded that "*The improvements needed to the parking and circulation area require revisions to be made to the application plans to show how this could be satisfactorily achieved; there are no revisions before me and the matter is too significant to be dealt with by planning conditions.*" (Inspector's decision letter, 4 November 2011: para 11)

However paragraph 8 of the Inspector's letter explains in greater detail the Inspector's judgement of this aspect of the refusal and it is clear this focuses on the problems caused by: (1) the dual accesses required for a carriageway drive in terms of reduced on-street parking; and (2) the proximity of parking spaces to windows of Flat 1:

"The provision of five off-street parking spaces for the six flats is within the maximum allowance of 6.8 spaces indicated by the Council's standards. Any overflow would, however, have to be accommodated at the roadside and The Drive, because of its width, would only permit parking on one side. The proposed parking and circulation arrangements at the front of the flats would not look out of place in the street scene, since the protected trees would remain and other properties have similar areas of block paving, but I agree with the Council that improvements are needed to the layout. This is because the provision of two accesses would further restrict the amount of on-street parking that could be accommodated and because parking spaces 1 and 2 would be too close to windows in the flats." (Inspector's decision letter, 4 November 2011: para 11)

The Inspector has not confirmed that six off-street spaces are essential and your officers agree with his conclusions that the harm to the living conditions of future occupants of Flat 1 that would arise requiring six off-street spaces would outweigh concerns of overspill parking on the highway when balanced with the removal of one of the accesses. Your officers also give significant weight to the fact the forecourt layout provides a much improved landscaped setting for the scheme, subject to further details of planting and materials.

Local residents have objected to the scheme on the basis of the impact of increased traffic movements and overspill parking. Should Members weigh these matters differently, then it is possible that a forecourt layout which has six parking spaces could be provided by condition, with the loss of some planting and with an increased impact on the living conditions of Flat 1.

The net increase in vehicle movements would not be significant and officers raise no objection to the scheme on that ground.

The borough Highway and Transportation officer has noted that, in terms of parking layout, the aisle width of 7.8m is wider than it needs to be and should be reduced to 6m to increase the amount of soft landscaping within the frontage; this can be secured by condition.

6.2 Access

At present the dwellinghouse is serviced by two 3m wide crossovers. These would be removed and the vehicular access for the new parking area will be over a single vehicular access to be provided close to the middle of the frontage of the new development. This is shown to be 2.9m in width and the borough Highway and Transportation officer has requested that this be increased to 4.1m in width to allow two cars to pass one another at the site entrance. Your officers have balanced this request with advice from the borough Tree officer, who suggests such an increase would likely result in the loss of one of the protected trees. In light of the anticipated low vehicle movements, your officers have judged the retention of protected trees to be more important than a widened access route, however as before should Members weigh these matters differently an appropriately worded condition could be attached to require further details of a 4.1m wide crossover and a semi-mature replacement tree of suitable species.

6.3 Cycle and refuse stores

One cycle space should be provided for each of the six dwelling units. To this end, a cycle store is proposed in the rear garden which can accommodate eight bicycles in a secure and weather protected manner, in line with standards. Access points for refuse vehicles should not normally be further away than 10 metres from any refuse store, with small wheelie bins being acceptable. As the bin store is close to the pedestrian access and close to the back of the pavement, this requirement is met.

7. Other

7.1 S106

The Inspector found that: *“Compliance with the SPD is dependent on the Council providing further justification for the contributions being sought and on the execution of an acceptable planning obligation; it would be inappropriate to grant planning permission before these steps had been taken.”* (Inspector’s decision letter, 4 November 2011)

The Council’s adopted 2007 S106 Planning Obligations SPD details and justifies the borough wide requirement for education, sustainable transportation, open space and sports contributions from new residential developments. This is the primary policy that states the necessity in planning terms for the obligation.

The SPD details the borough wide need for education expansion. By this year 2010/11 the boroughs schools will either be at or exceed the DfES 95% capacity levels. For this development the local nurseries, primaries and secondary schools are already over 95% full. Planned expansion at for the existing population and the shift back to state provision, there is no current funding available for increasing capacity to cater to the large three-bedroom and the two-bedroom family units. CF6 justifies the need and applies it developments of more than 10, as this was correct in 2004 at the time of the adoption of the UDP. The S106 SPD, adopted in 2007, provides the policy

requirement and justification for sites under 10 units as the need has become more acute. The contribution sought is a small contribution relative to the cost of providing additional nursery places and can be used in conjunction with other funding to increase capacity for new developments.

Policy CP18 of Brent's Core Strategy (previous Policy OS7 of Brent's UDP) covers the requirement for Open Space and Children's Play Area provision. The development is not too far from local Open Space, but it has limited capacity and serves a dense area with an increasing population. In this urban locale new open spaces are very rare and new developments like these require a full range of open spaces for large play, children's play and family open space. The local open space has the potential to be enhanced and provide mitigation for this increased pressure.

New developments are therefore required to contribute to these improvements, as they would generate a substantial pressure on the local public open space amenities with no corresponding improvement to adequately deal with it. Increased revenue through the rates and Council tax would take time to both feed into the system and to identify the appropriate service area to target. This could lead to a decrease in the quality of open space provision, at a time of increasing use.

The Brent Pitch Survey of 2003 and Brent's Sport Survey 2008, showed a deficit in sporting pitches in all major sports; football, rugby, cricket, hockey and of swimming pools in this location. The survey also found Brent as being significantly below the National Playing Fields Association (NPFAs) standards on pitch provision. The current Parks Service budget and planning looks at maintaining the current level and improving the occasional piece of land, with no resourcing available to meet the demands from new developments. Contributions will also be used to maintain pitches once improvements have been made.

Sport England's Kitbag Calculator (source: www.sportengland.org) uses the cost, excluding Land or VAT, of providing sporting facilities in Brent, per unit based on current demographic and Average Occupancy of new households (source: GLA analysis of London Household Survey, 2005)

Highways, footways, crossing and public transport face increased pressure and use from new developments. New commercial and residential developments increase the number of people walking, cycling and driving to and from them and need to provide improvements in the quality, capacity and safety of the local infrastructure. Particularly for this proposed development in a dense urban area local mitigation will take the form of crossing, cycling and walking routes to local public transport nodes. Policies TRN1, 2, 3, 4, 10 and 11 can require transportation improvements. The Local Implementation Plan (LIP) has set out how the Council proposes to implement the Mayor's Transport Strategy (MTS), including the expected measures to meet the increase in population. Chapter 5 provides details public transport (bus, rail, underground), cycling and walking projects and programmes through to 2011. Chapter 3 covers the links to UDP policies and the requirement for set elements of the LIP, while Chapter 5 deals with national and regional policies. The LIP also examines the funding requirements for these projects, their time tables and available sources. Given that the Council is planning for an additional thousand units a year, it equates to a £1,243 unit requirement.

In assessing the need and requirement for mitigation the Council has carefully considered the local impact of this development and believes there is a clear planning policies necessity, in terms of UDP and SPD policies and that the level sought is directly related to the proposed development, fair and reasonably related in scale and kind to the proposed development.

The applicant has agreed in principle to a section 106 legal agreement to meet the standard charge, but without such an agreement to secure measures to mitigate the harm caused by the scheme, it would conflict with the aims and objectives of UDP policies TRN3, TRN4, TRN11, OS7, CF6 and EP3 and the provisions of the SPD on S106 Planning Obligations. A dual recommendation is thus proposed, to approve the scheme if a s.106 agreement is signed but to refuse it if no such agreement is made.

7.2 Response to objectors

Most of the objections (including overdevelopment; out of character; overbearing impact; loss of privacy; impact of overspill parking; impact of increased traffic movements) have been addressed above.

Whilst there would be an intensification of activity on the site it is not considered that this would result in material harm to neighbouring occupants in terms of noise and pollution.

8. Conclusion

The proposal is similar to one previously considered by the Planning Inspectorate and as such there is clear guidance on the acceptability the scheme in general. Your officers consider that the applicant has satisfactorily overcome the concerns raised by the Inspector. Approval is recommended, subject to s.106 agreement and condition.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
London Plan 2011
Central Government Guidance
Council's Supplementary Planning Guidance Nos. 3 & 17

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

PL2/VP/2133/TD/01; PL2/VP/2133/TD/02; PL2/VP/2133/TD/03; PL2/VP/2133/TD/04;
PL2/VP/2133/TD/05; PL2/VP/2133/TD/06; PL2/VP/2133/TD/07; PL2/VP/2133/TD/08;
Figure 01 *Tree Constraints Plan*; Fig 2 *Tree Protection Plan*

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

- (3) The building shall not be occupied car parking and turning areas shown on the approved plans have been constructed, surfaced and marked out to the satisfaction of the local planning authority. The car-parking and turning areas shall be retained thereafter and used for no other purpose at any time unless otherwise.

Reason: In the interests of free flow of traffic and highway safety

- (4) The building shall not be occupied until the cycle store shown on the approved plans has been constructed and fitted out for use as a cycle store to the satisfaction of the local planning authority. The cycle store and store room shall be retained thereafter and shall be used for no other purpose at any time.

Reason: In the interests of free flow of traffic and highway safety

- (5) No part of the development shall be occupied until the proposed access has been constructed in accordance with the details hereby approved with 2m x 2m visibility splays above a height of 850mm and the existing redundant vehicular crossovers have been reinstated to kerb-and-channel at the applicant's expense.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

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

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

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of the new dwellinghouse or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:

- (i) proposed or retained boundary walls, hedges, fences and gates indicating materials and heights;
- (ii) a change to the parking layout to reduce the aisle width from 7.8m to no less than 6m;
- (iii) a planting scheme including species, plant sizes and planting densities to the front and rear gardens of the block;
- (iv) screen planting along the shared boundary with Faraday House with suitable trees, shrubs and/ or climbing plants;
- (v) specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of Practice for General Landscape Operations (excluding hard surfaces);
- (vi) areas of private amenity space for the ground floor flats and in particular a large, 50sqm area of the three-bed flat, suitably demarked by a means of enclosure and screen planting;

- (vii) screen planting to prevent loss of privacy of ground floor units; and
- (viii) areas of porous hard landscape works and proposed materials, including samples if necessary

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to compensate for the loss of trees, in the interests of living conditions of future occupants and ensure that the hard landscaping is permeable and visually attractive.

- (8) Notwithstanding any details referred to in the submitted application, no preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, or TPP) and the appropriate working methods (the arboricultural method statement, or AMS) in accordance with Clause 7 of *British Standard BS5837 - Trees in Relation to Construction - Recommendations* has been submitted to and agreed in writing by the local planning authority.

The AMS can be incorporated within the TPP and should show the following:

- (i) a schedule of all works to trees, hedges and shrubs on-site and within the street frontage to facilitate the development and to ensure the retention of the TPO trees within the forecourt;
- (ii) for those areas to be treated by means of any hard landscape works including car parking spaces, footpaths and patios, provide:
 - detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
 - details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works (nb. contractor should demonstrate that they have experience in installing such a system successfully);
 - attendance of a qualified and experienced arboricultural consultant during sensitive operations;
 - works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010); and
- (iii) a Tree Protection Plan which adheres to the principles embodied in BS5837:2005 and indicates exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during the works and show root-protection zones including:
 - positions of protective fencing in accordance with BS5837:2005;
 - an assurance that no materials, skips, tools, fuels portable toilets etc shall be stored between the front of the building and the boundary; and
 - positions of ground protection where scaffolding is erected within root protection areas (RPAs)

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

The works shall be completed in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees.

Any such tree, hedge or shrub which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree, hedge or shrub of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reason: The frontage of the property benefits from mature trees, hedges and shrubs and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

- (9) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) to comply with the requirements of the Brent *Waste and Recycling Storage and Collection Guidance for Residential Properties 2011* shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved and retained thereafter.

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

- (10) Prior to the commencement of works, further details of a lighting scheme shall be submitted and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved plans and shall be retained thereafter. Such details shall include:

- (i) a lighting schedule including lighting to the car park, side access path, main entrance door and any further lighting to the rear of the property;
- (ii) details of the output of each light in 'lux';
- (iii) a light-spill plan; and
- (iv) details of the lighting fixtures e.g. illuminated bollards, wall-mounted lamps etc including manufacturer's literature.

Reason: To ensure that such illumination does not prejudice local amenities or safety on the neighbouring highway.

INFORMATIVES:

- (1) 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
- (2) Where existing point(s) of access or dropped kerb are redundant, any reinstatement of the crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High

Road, Wembley HA9 6BZ Tel 020 8937 5050 for further details as soon as possible.

(3) The applicant is advised that during demolition and construction on site:

- The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site
- The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
- Vehicular access to adjoining premises shall not be impeded
- All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
- No waste or other material shall be burnt on the application site
- A barrier shall be constructed around the site, to be erected prior to work commencing
- A suitable and sufficient means of suppressing dust must be provided and maintained

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017