

 **Planning Committee Map**
Site address: Texaco Star Market, Forty Avenue, Wembley, HA9 8JS
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 14 November, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Texaco Star Market, Forty Avenue, Wembley, HA9 8JS

PROPOSAL: Redevelopment of the site to provide a five storey residential building comprising 32 flats and a terrace of 3 three storey houses, car and cycle parking, private and communal amenity space including a children's play area and landscaping

APPLICANT: Greendev LLP

CONTACT: PAD Consultancy Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area to agree the exact terms thereof on advice from the Head of Legal and Procurement.

SECTION 106 DETAILS

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

(a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance

(b) Provision of affordable housing: the two six bed houses and two of the ground floor three bed flats will be provided as affordable rent units at sixty percent of the market rate, and two of the three bed flats to be provided as intermediate affordable units.

(c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.

(d) Sustainability – Code for Sustainable Homes Level 4 Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 25% reduction above the CO₂ target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.

(e) Prior to Practical Completion enter into a s278/s35 for any required highways works.

(f) Join and adhere to the Considerate Constructors scheme.

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 Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

This application relates to the Texaco filling station located on Forty Avenue between the Elmstead Avenue junction and the Wealdstone Brook. The site is roughly rectangular in shape and has an area of just over 0.3 hectares.

The southern and eastern boundaries of the site front Forty Avenue and Elmstead Avenue. The northern boundary abuts 182 Elmstead Avenue, a 2-storey semi-detached house. The Western boundary abuts the Wealdstone Brook.

Forty Avenue has a mixed character with stretches of 2-storey suburban housing interspersed with more recent blocks of flats. These include Century House located on the opposite corner of the Forty Avenue/Elmstead Avenue junction which is a 3 and 4-storey block of flats built about ten years ago. Also nearby are Preston Manor School and the Shree Sattavis Gam Patidar Centre. Most of the buildings are set back from the road behind landscaped frontages giving Forty Avenue a pleasant open character.

Apart from the application site and Century House opposite, Elmstead Avenue is composed almost entirely of 2-storey suburban housing.

Forty Avenue is a local distributor road with good access to public transport and close to local facilities including schools and shops. The site is located on the London Bus Priority Network close to the transport hub at Wembley Park, and the London Underground station just a few minutes walk away. Elmstead Avenue and Brook Avenue opposite the site are designated parts of the London Cycle Network, and a dedicated bicycle lane passes in front of the site on Forty Lane.

The nearest local shopping areas are located at Wembley Park and Preston Road.

PROPOSAL

This application is for the demolition of the existing petrol filling station and the re-development of the site with a 5-storey block of 28 flats and a pair of 3-storey houses including the creation of a new site access from Elmstead Avenue and the provision of car parking, landscaping and a communal open space.

HISTORY

There has been a petrol filling station on this site since the 1950s. The current filling station was built in 1992 and there have been numerous consents to modify the premises since. The most recent planning application was in 2006 when an application to redevelop the site to re-provide the petrol filling station but with a larger retail element and increased off street parking was refused (Ref: 06/2666).

POLICY CONSIDERATIONS

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Unitary Development Plan 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.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP10 - Protection of Surface Water

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011

Mayor of London Supplementary Planning Guidance

(a) Sustainable Design and Construction (May 2006)

(b) Planning for Equality and Diversity in London (October 2007)

(c) Accessible London: Achieving an Inclusive Environment (April 2004)

(d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

Planning Policy Guidance and Statements

PPG13- Transportation

PPS1- Delivering Sustainable Development

PPS1 - Supplement: Planning and Climate Change

PPS22 - Renewable energy

SUSTAINABILITY ASSESSMENT

Energy

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation. The proposed development addresses local and national planning policies on energy; in particular, mitigation of climate change and energy security through energy efficiency enhancements and use of alternative energy technologies. In order to reduce the carbon footprint of the building beyond the requirements of current regulatory and market standards, the development will benefit from the following integrated systems:

- Passive design features;
- Zero carbon energy systems;
- Energy efficiency measures

The building fabric U-values will improve on the Building Regulations Part L 2010 requirements and robust detailing at joints and junctions will further reduce heat loss due to excessive infiltration. Energy efficient light fittings will minimise the electricity demand for lighting.

An energy assessment has been carried out based on design information to identify the most appropriate renewable strategy. The options maximise the potential savings from the site and the development will meet the planning requirements set out by the Council, and the reduction in carbon emissions by use of renewable energy systems as required in the London Plan.

The results of the SAP calculations and strategy proposed show a percentage improvement of DER over TER of over 32% above the requirements for the Building Regulations Part L 2010 and in addition the total site CO₂ has been reduced by over 16% in comparison to the baseline building, including both regulated and unregulated emissions.

Even though the percentage of carbon emissions is reduced by less than 20% by use of this strategy it achieves a much greater improvement over Part L 2010 than required by the London Plan policy 5.2 thus resulting in the development having a much lower environmental impact than the baseline buildings. The use of MVHR and PV systems have been identified as appropriate renewable technologies capable of securing a further reduction in carbon emissions. The complexity of using any further renewable technologies is unlikely to reduce the carbon footprint to a greater extent than the proposed strategy and therefore the greater improvement of DER over TER, through passive design, MVHR system and PV system is deemed to be far more environmentally effective with regard to carbon savings, whilst far exceeding the main objective of the London Plan. These measures will be secured through a section 106 legal agreement.

Code for Sustainable Homes

Policy CP19 of Brent's Core Strategy requires the development to achieve a minimum Level 4 in relation to the Code for Sustainable Homes (CSH). The submitted pre-assessment predicts that this will be achieved. It is recommended that a CSH Level 4 Post Construction Assessment and

Certificate is submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 59.5%. It is recommended that the Section 106 include a clause requiring confirmation that a minimum score of 50% is, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction.

Other Matters

In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.

CONSULTATION

Public Consultation

415 neighbours consulted - 98 letters received (81 of which were individually signed copies of pre-prepared objection letter circulated by the Elmstead Avenue Neighbourhood Watch & Residents Association), objecting to the development on the following grounds:

- Overdevelopment of the site
- Height, design, layout and appearance do not fit in with the character and appearance of the surrounding area.
- Proposal will significantly increase traffic in an already heavily congested area (which is particularly bad during the rush hours and child drop-off and pickup times) making it difficult for emergency services to access Elmstead Avenue.
- The proposed site access onto Elmstead Avenue is opposite the entrance to three blocks of flats – Bowling Green Court, Elmstead and Century House.
- Increased traffic levels will lead to further pollution and noise.
- Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.
- Development will overshadow the back gardens and rear living areas of adjacent properties.
- Development will result in a loss of privacy for adjacent properties.
- Loss of petrol filling station.
- Insufficient parking is proposed. Should include a basement car park.
- Proposal will adversely affect house prices in the area.
- Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.
- Insufficient consultation period.

The above matters are discussed in the "Remarks" section of the report.

Internal Consultation

Transportation Unit

Subject to a Section 106 Agreement to secure a financial contribution of £38,500 towards non-car access improvements and a condition requiring the developer to fund the cost of all highway works (or to construct the works directly under a S278 Agreement) (i.e. reinstating the redundant crossovers onto Forty Avenue to footway/verge, providing a new crossover onto Elmstead Avenue (incl. adjustments to parking bays), constructing a half-width loading bay on Forty Avenue (if

agreed) and repaving of the footways fronting the site as necessary), there would be no objections on transportation grounds to this proposal.

An informative is recommended, advising the applicant to contact the Head of Highway & Transport Delivery to arrange for the footway, loading bay and crossover works to be undertaken on their behalf.

Environmental Health

No objections raised, subject to conditions relating to contaminated land and control of hours for construction and demolition.

Landscape Team

The landscape elements of the proposal are acceptable in principle. However, it is recommended that full details of hard and soft landscape features are secured by condition and submitted to and approved by the Local Planning Authority prior to commencement of any demolition/construction work on site.

Policy & Research Team - Sustainability

Proposal can be supported on sustainability grounds subject to details being secured as part of the Section 106 agreement. Further details are set out in the "Sustainability" section of this report.

External Consultation

Thames Water

Comments provided on surface-water drainage. These details are recommended to be included as an informative to the decision.

Environment Agency

No objection received.

REMARKS

Principle of Development

There is no policy in place within Brent's Core Strategy or Unitary Development Plan that protects the use of the site as a petrol filling station. The site is owned by the applicant, Greendev LLP, who currently lease it to Texaco. An assessment by the applicant states that there are currently nine other filling stations within a two mile radius of the site.

The proposed redevelopment of the site to provide new housing is therefore considered acceptable in principle subject to meeting relevant policies, guidelines and standards relating to new housing development.

Amendments

The scheme has been revised since its submission, and the amount of development has now been reduced. One of the three 3-storey six bed houses has now been removed in order to allow a better layout on site. In addition the top fifth floor has been reduced from 4x2-bed flats to 2x2bed flats and 2x1-bed flats in order to allow this floor to be set in further from the edge of the main block.

These changes result in a bigger set back from Forty Avenue, more landscaping and a bigger gap between the neighbouring house at 182 Elmstead Avenue and the two remaining three storey house proposed on the site. The number of off-street parking spaces remains the same.

Density and Mix

The scheme proposes the following mix an number of units:

14x1-bed flats
12x2-bed (4 person) flats
2x2-bed (3 person) flats
4x3-bed (6 person flats
2x6-bed (8 person) houses

This equates to a density of 320 habitable rooms per hectare (hr/ha) or 110 units per hectare (u/ha). This density falls comfortably within the relevant density range set out in the Mayor's London Plan which for sub-urban areas with a good PTAL (4-6) is 200-350 hr/ha or 70-130 u/ha.

Design, Appearance and Character of the Area

The revised scheme will still be five storeys high making it the tallest building in this stretch of Forty Avenue. However the top floor is set in significantly from the edge of the building, has a curved design and is to be constructed in a lighter material than the main part of the building which is predominantly brick. The result is a building that reads as being four storeys, matching the height and proportions of Century House on the opposite side of the Elmstead Avenue/Forty Avenue junction and not appearing out of scale with its surroundings.

The main front block is set back from Forty Avenue by between 4.8 and 6 metres and is set in from Elmstead Avenue by between 6 and 8.5 metres. This is more generous than the set back of Century House. It allows for significant planting along the sites frontages and although a relatively large building is proposed it is considered respectful of the open character of Forty Avenue.

The proposed 3-storey town houses are a storey higher than the adjoining 2-storey suburban housing in Elmstead Avenue. However because of their flat roofs and the generous five to six metre gap between them and the next house along, they do not appear disproportionately out of scale with the rest of Elmstead.

While the design is modern the use of a large amount of brick on the main block and render on the houses reflects the predominant building materials found in the area.

Quality of Residential Accommodation

All of the units have been designed to the London Plan minimum space standards.

The standard of amenity provided is in general compliance with the requirements of SPG17. With regards to outlook, whilst some of the units do not provide dual aspect, in all the case of all of these units, none of the habitable rooms have outlook in a north-facing direction.

Daylight and sunlight have been assessed by GVA Schatunowski Brooks which confirms that the proposal will not have a detrimental impact adjoining properties and that the proposed accommodation meets the appropriate BRE guidance.

Privacy levels for the proposed units are generally considered acceptable.

The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The Design and Access Statement confirms that four of the units are adaptable for wheelchair users and all of the units will be built to 'Lifetime Home' standards.

External amenity Space

General guidance suggests amenity space should usually be provided at a rate of 50 sqm per family unit, and 20 sqm for others. The two town houses all have access to private gardens of 50 sqm or more. One of the ground floor three bed units has a private garden of 75 sqm, the remaining ground floor flats have private terraces of between 10 and 20 sqm. All other flats have private balconies ranging in size from 6 sqm up to 25 sqm. In addition all the proposed units will have access to a 384 sqm communal play and amenity space. The total quantum of useable amenity space provided for the flats (excluding the two houses) is 899 sqm (396sqm private balconies and terraces; 119 sqm of private gardens/patios and 384 sqm of communal play/amenity space. This more than meets the 800 sqm of amenity space required to meet the minimum recommended by SPG17 and also meets the Mayor's childrens' play space requirements. In addition a further 698 sqm of landscaped visual amenity space is provided.

Your officers recommend that a condition is attached to secure details of the landscape proposals for the amenity space areas together with details of the boundary treatments.

Impact upon neighbouring properties

The block of flats is located 28 metres from the nearest neighbouring property (182 Elmstead Avenue) and complies fully with the standard tests set out in SPG17 for assessing the impact of new development on existing residents.

The two 3-storey houses maintain a gap of three metres with the side boundary of 182 allowing for the retention and enhancement of the landscaping along this boundary. The rear elevation of the new houses does not extend beyond the rear elevation of the neighbouring house and they are therefore considered to have a satisfactory relationship with the immediate neighbour.

In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from neighbouring gardens. The proposal meets the requirements of policy BE9 of the UDP and SPG17.

Parking and Transportation

Car parking allowances for residential use are set out standard PS14 of the adopted UDP. Although the site has good access to public transport services, it is not located within a year-round CPZ, so the full parking allowance set out in the main table of the standard applies.

As such, this development would be permitted up to 43.6 off-street parking spaces, so the proposed provision of 30 spaces would comply with standards.

Policy TRN23 also requires consideration to be given to the impact of any overspill parking on parking conditions in the area though. To provide an approximation of likely car ownership, private units are assumed to generate car ownership at 75% of the maximum standard and social rented units at 50%. This gives an estimated total parking demand for 30 spaces, although car ownership data obtained for the Preston ward in the 2001 Census suggests that demand would actually be closer to about 25 spaces.

With 30 cars able to be accommodated within the site, it is therefore likely that only a very limited amount of overspill parking would occur from the development. At present, there is a Stadium event day parking bay located along the Elmstead Avenue site frontage that can accommodate seven cars, although 1-2 spaces will need to be removed in order to provide the new access. Nevertheless, as the road is not heavily parked at night, the 5-6 remaining bays would be sufficient to safely accommodate the predicted level of overspill parking, even if residents of each of the new flats were to own a vehicle.

The applicant has also offered to implement a parking management plan to help to control future parking, but in view of the above this is not considered likely to be necessary.

Standard PS15 requires at least 5% of spaces (10% for affordable housing) to be widened and marked for disabled drivers. The proposed provision of four such spaces is more than sufficient to satisfy this requirement.

Standard PS16 requires each of the 32 proposed flats to be provided with a secure, covered bicycle parking space. To this end, two internal storage rooms are proposed, each with space for 18 bicycles in a double-height stacking system. This is suitable to satisfy requirements. Bicycle parking for the three houses can be accommodated within their private gardens.

Bin storage is indicated within internal storage rooms to the front of the building, allowing easy access for refuse collection staff directly from Forty Avenue, without such vehicles needing to enter the site. To help to ensure traffic flow along Forty Avenue is not unduly affected, it is also proposed to construct a half-width loading bay to the front of the site which can be used by refuse vehicles. However, the bay would reduce the length of the grass verge along the front of the site and would provide little benefit given that there is adequate width for traffic to pass a stationary refuse vehicle. On this basis, its provision is not considered essential to the scheme (although dropped kerbs will need to be provided for the wheeling of Eurobins onto the carriageway for collection), but if the developer wishes to pursue the matter separately, this will need to be agreed with the Head of Highway & Transport Delivery as part of the general highway access works.

The provision of pedestrian accesses to the front of the block directly onto Forty Avenue means emergency service vehicle access requirements are satisfied.

In terms of site layout, the dimensions shown for the car parking spaces and aisles generally comply with standards. However, in order to improve general appearance of the area, a 1.2m wide strip along the southern side of the car park entrance road (as required for manoeuvring into and out of parking spaces) is to be surfaced in studded concrete with grass (grasscrete), whilst the rearmost 700mm of the parking spaces will also be provided with low planting that vehicles can overhang. Otherwise, the car park access roads are to be surfaced in block paving, with parking spaces surfaced in gravel, which is considered acceptable. The proposed provision of railings around the front boundary of the site will ensure visibility splays are not obstructed.

The revised vehicular access arrangements will require a new crossover to be constructed onto Elmstead Avenue (with the existing event day parking bays amended accordingly) and the two existing accesses onto Forty Avenue to be closed and reinstated to footway/ cycleway/verge. These works will all need to be undertaken at the developer's expense and should include re-paving works along the footway fronting the site. The developer is advised to contact the Head of Highway & Transport Delivery to arrange for the works to be done.

Otherwise, the principle of providing vehicular access onto a lightly trafficked, traffic-calmed local access road (Elmstead Avenue) rather than Forty Avenue is welcomed in road safety terms.

Finally, a standard financial contribution of £1,000 per 1-/2-bed flat and £1,500 per 3+bed unit is sought towards non-car access/highway safety improvements and or parking controls in the vicinity of the site, giving a total sum of £38,500.

Landscaping

A Tree Preservation Order applies to the site. The tree stock at the site broadly comprises relatively young landscape trees planted at the time the filling station was constructed. The tree stock is mediocre at best with only five trees of the forty three identified within the TPO as warranting higher than 'B' grading in terms of their value and life expectancy. The screening effect that the trees along the northern boundary will not be lost, rather it is proposed to bolster this

screen with new trees and shrubs.

It is proposed to retain all the trees immediately bordering the Wealdstone Brook but with some general maintenance undertaken in the form of removing dead wood and crossing branches, and any dead stems or sapling. Some crown lifting to raise the lowest branches to around 2.5m above ground will create a better relationship with the proposed layout. The amenity space or play area is also better served by this light pruning work. It also proposed to remove seven of the less significant trees situated towards the rear northern boundary of the site.

There is a proposal to plant new trees both within the scheme around the proposed parking bays and along the periphery of the block and front gardens of the houses including within the pavement of Forty Avenue. Approximately 20 new trees are proposed, which is considered effective mitigation for the removal of the old landscaping. Although tree planting is effective this will be dependent upon ensuring new trees are of a size and species suited to the location and able to provide immediate landscape effect.

There is significant scope for landscaping within the site as indicated on the submitted plans. This includes a significant frontage to Forty Avenue, the retention and enhancement of the existing landscaping along the northern and southern edges of the site and the creation of a communal play space and private gardens and terraces.

There will be a wider wildlife corridor alongside the Wealdstone Brook, enhancing it's role as a wildlife corridor. This is further extended by making it continuous with the communal garden and planting additional indigenous species.

There will be substantial new planting, using bushes & climbing plants to the boundaries within the courtyard to make a verdant space — a garden with cars. Existing trees retained where possible, extensive new planting both within site and for public benefit in pavement. The new trees should be species suitable for urban environments which will not cause a nuisance by dropping fruit on the pavements.

External boundaries will use railings with prickly plants as secure living edges. Private gardens extend around both houses and flats, to keep a sense of ownership and allow residents the chance to enjoy gardening.

Permeable block paving distinguishes the private from public road, and parking spaces are identified by rectangles of 'hoggin' gravel set within brick outlines, rather than line marking. Studded 'grasscrete' deters walking close to building & extends green space where it will only occasionally be over-run by cars. Parking bays are separated by bays of bushes and trees, to bring planting into the centre of the courtyard, and to provide shade for the cars in summer.

In order to ensure the opportunity for landscaping is maximised it is recommended that a condition is attached to secure the submission of full landscape details prior to the commencement of works on site.

Air Quality

An air quality assessment has been undertaken by Hilson Moran. The assessment methodology is designed to provide a worst-case assessment of the emissions of nearby traffic, and the effect these have on both the newly introduced sensitive receptors and the existing sensitive receptors.

In summary, emissions arising from traffic associated with the proposed development will have a “negligible” impact on local air quality.

The assessment of the impact of the development on local air quality has therefore demonstrated that the proposed scheme will not lead to a breach of the relevant EU

limits, do not require new AQMA to be declared; or interfere significantly with or prevent the implementation of actions within the local Air Quality Action Plan. The principle of the development is therefore considered acceptable with regard to local air quality and potential health impacts on nearby sensitive receptors.

Contamination

SLR has set out a remedial strategy comprising the removal of all the tanks, associated fuel infrastructure and any associated impacted material if found to be present. Notwithstanding this the Council's Environmental Health Team have recommended further conditions be imposed to ensure that appropriate measures are implemented to mitigate the effects of potential pollution present on and under the site.

Flood Risk

The entire development site is located within PPS25 Flood Zone 2 (i.e. is within a Zone 2 Medium Risk Area). Whilst certain pre-conditions and restrictions are stipulated for land uses within this zone, in this case the development type is considered appropriate.

Although the risk to the development is only deemed medium (i.e. less than 1 in 100 but greater than the 1 in 1000 annual probability of flooding), developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved through the layout and form of the development and, where appropriate, application of sustainable drainage techniques.

The FRA undertaken by Hilson Moran concludes that by providing the suitable mitigation measures as set out in their report, the residual impact of the proposed development on flood risk and surface water management, together with the effect on the local sewerage infrastructure, will be acceptable.

Affordable Housing

The application proposes to provide 6 of the 34 residential units as affordable housing. While this represents just 18% of the total units they are the larger units and include both 6-bed houses and all 4 of the ground floor 3-bed units and therefore account for 30% of total habitable rooms. Brent's Core Strategy and the London Plan seek to deliver 50% affordable housing on new housing sites of ten units or greater. This scheme falls short of this target but the submitted GLA Toolkit and viability assessment confirm that the scheme cannot provide any further affordable housing. Furthermore the two houses being offered at affordable rent levels meet a particularly acute need for larger units that aren't often proposed in new housing developments. Of the four 3-bed flats two are offered as affordable rent units and two as intermediate affordable housing.

Conclusions

The proposal will add to the Borough's housing stock and provides significant benefits in the form of affordable housing. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with the Council's Core Strategy, Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Supplementary Planning Document: "S106: Planning Obligations"
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"
Supplementary Planning Guidance 17 – "Design guide for new development"

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Design and Regeneration: in terms of guiding new development and Extensions

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):

1104- 04 rev A	1104- 17 rev A	1104- 30
1104- 05 rev A	1104- 18 rev A	1104- 31
1104- 06 rev A	1104- 19 rev A	1104- 32
1104- 07 rev A	104- 20	1104- 33
1104- 08 rev A	1104- 21	1104- 34 rev A
1104- 09 rev A	1104- 22	1104- 35 rev A
1104- 10 rev A	1104- 23 rev A	1104- 41 rev A
1104- 11 rev A	1104- 24	1104- 42 rev A
1104- 12 rev A	1104- 25	1104- 43 rev A
1104- 13 rev A	1104- 26	1104- 44
1104- 14 rev A	1104- 27 rev A	1104- 45
11104- 15 rev A	1104- 28	
1104- 16 rev A	1104- 29	

and the following supporting documents:

Hilson Moran -Air Quality Assessment

Price & Mayers - Code for Sustainable Homes Pre-Assessment 09-Nov-11
SLR Consulting - letter dated 23-Apr-08
Design & Access Statement Oct 2011
GVA Schatunowski Brooks - Daylight/Sunlight Report
Price & Mayers - Energy Strategy Report
PAD Consultancy Limited - Planning Statement
Greendev LLP - Transport Statement Nov 2011
ACS Consulting - Arboricultural Implications Assessment and Method Statement
09-Nov-11

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

- (3) All of the parking spaces proposed shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) The proposed cycle parking facilities and refuse storage facilities for the units of both the affordable and private units shall be provided in accordance with the details as shown in the approved plans, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists..

- (5) During demolition and construction works on site:
- a) The best practicable means as specified in the British Standard Code of Practice BS 5228:1997 shall be employed at all times to minimise the emission of noise from the site;
 - b) The operation of the 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 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
 - c) All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works

- (6) The demolition and building works shall not commence until vehicle wheel washing facilities have been provided on site to the satisfaction of the Local Planning

Authority. The facilities installed shall be maintained in working order until completion of the appropriate stages of development.

Reason: To ensure that the demolition and building works do not prejudice the amenity of neighbouring residents and air quality within an Air Quality Management Area.

- (7) Details of materials for all external work, including samples, 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.

- (8) 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any 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 any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users;
- (ii) the location of, details of materials and finishes of, all street furniture, storage facilities and lighting (including the cycle parking facilities within the piazza);
- (iii) proposed boundary treatments including walls and fencing, indicating materials and height;
- (iv) all planting including location, species, size, density and number;
- (v) any sustainable construction methods which are to be used;
- (vi) details of proposed children's play equipment;
- (vii) details of the green walls;
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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 and ensure that it enhances the visual amenity of the area.

- (9) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material for the two houses shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

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

- (10) The results of the post-completion testing undertaken in the noise-affected units as identified in the Environmental Noise Survey and PPG24 Assessment Report, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units hereby approved. If the results of the post-completion testing do not meet the criteria set out in BS8233, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to achieve the defined criteria.

Reason: To verify that the internal noise levels specified can be met and safeguard the amenity of future occupants of the development.

- (11) No works shall commence on site (including demolition) before tree-protection details in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the demolition and construction phases and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (12) Fuel Infrastructure Removal Prior to the commencement of building works, all structures associated with fuel storage and retail including tanks, fuel lines and pumps must be removed from site. This work must be verified to ensure that no residual hydrocarbons remain on site at levels above concentrations agreed with the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (13) Following the demolition of the petrol station and removal of the fuel infrastructure, a site investigation shall be carried out by competent persons to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (14) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

The London Plan - Consolidated with Alterations since 2004

Brent's Core Strategy 2010

Brent UDP 2004

Supplementary Planning Document: "S106: Planning Obligations"

Supplementary Planning Guidance 2 - "Commenting on a Planning Application"

Supplementary Planning Guidance 17 – "Design guide for new development"

Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243